



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 * 989.837.2717 Fax ♦ www.cityofmidlandmi.gov

REGULAR MEETING OF THE MIDLAND CITY COUNCIL
City Hall, 333 W. Ellsworth Street

March 26, 2018

7:00 PM

AGENDA

CALL TO ORDER - Maureen Donker, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Thomas W. Adams
Steve Arnosky
Diane Brown Wilhelm
Maureen Donker
Marty A. Wazbinski

CONFLICT OF INTEREST DISCLOSURE STATEMENT

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. * Approve minutes of the March 5 regular City Council Meeting. TISDALE
2. * Approve minutes of the March 5 special City Council meeting. KAYE
3. * Approve minutes of the March 7 special City Council meeting. BRANSON
4. * Approve minutes of the March 14 special City Council meeting. TISDALE

PUBLIC HEARINGS:

- [5.](#) Zoning Petition No. 618 by Mike Rapanos to amend the City of Midland zoning map by rezoning a portion of the property located at 3401 E. Wheeler Road from Township zoning to RC Regional Commercial zoning. MURSCHEL
- [6.](#) Zoning Petition No. 619 by Big Timber, LLC to amend the City of Midland zoning map by rezoning the property located at 5900 Waldo Ave. from Township Zoning to RA-2 Single-Family Residential zoning. MURSCHEL
- [7.](#) Supporting a grant application to the Land and Water Conservation Fund for the construction of a new ADA-accessible pickle ball and tennis court facility at Central Park. MURPHY
- [8.](#) Supporting a grant application to the Michigan Natural Resources Trust Fund for Phase II of the riverfront renovation project in upper Emerson Park. MURPHY

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

ORDINANCE AMENDMENTS:

- [9.](#) First reading to an ordinance to Amend Sections 2-15 through 2-18 and 2-22 through 2-26 of Article II, Chapter 2 of the Code of Ordinances - Purchases, Contracts, Sales. ERRER

RESOLUTIONS:

- [10.](#) * Site Plan No. 368 - petition from OHM Advisors on behalf of Dow Gardens for site plan review and approval of a maintenance parking lot with new access onto W. St. Andrews located at 1907 W. St. Andrews Road. MURSCHEL
- [11.](#) * Adopting and filing the City Manager's report concerning the special assessment district for the Shopping Area Redevelopment Act (SARA) assessment and provide for notice of a hearing of necessity. TISDALE
- [12.](#) * Approving the Downtown Development Authority (DDA) request for expansion of staff approval under the downtown authority Midland sidewalk use policy. TISDALE
- [13.](#) * Accepting the Application for Waiver and Plan for the MERS defined-benefit pension retirement system for the fiscal year ending June 30, 2017. KEENAN
- [14.](#) * Receiving and filing the 2018 Annual Sidewalk Improvement Program with no public petitions received and ends the sidewalk consideration for the current year. FREDRICKSON
- [15.](#) Receiving and filing a report and update on Forestry's Emerald Ash Borer program. MURPHY

Considering purchases and contracts:

- [16.](#) * E10 Ethanol Blend Fuel purchase from February 26. MURPHY
- [17.](#) * Approving purchase order to Recreonics, Inc. for a new water slide for Plymouth Pool. MURPHY
- [18.](#) * Authorizing purchase order to replace the fire alarm system at the Grace A. Dow Memorial Library. BARNARD
- [19.](#) * Approving purchase order increase for Environmental Monitoring at the Landfill. SOVA
- [20.](#) * Approving bid award for Wastewater Automatic Centerflow Fine Screen with Washer/Compactor, Bid No. 3922. SOVA
- [21.](#) * Approving bid award for Wastewater Portable 6-inch Trash Pump, Bid No. 3935. SOVA
- [22.](#) * Authorizing the Mayor and City Clerk to execute a contract with Malley Construction, Inc. for the water main installation along Cambridge Street from Washington Street to 900 feet west of Washington Street. FREDRICKSON
- [23.](#) * Authorizing the Mayor and City Clerk to execute a contract with Crawford Contracting, Inc. for the reconstruction of Eastlawn Drive from Washington Street to Swede Avenue. FREDRICKSON
- [24.](#) * Approving Change Order - Nelson Street Reconstruction & Water Main; Contract No. 14 to complete the project. FREDRICKSON
- [25.](#) * Authorizing the Mayor and City Clerk to execute a contract with Sterling Excavation, Inc. for the water main installation along W. Wackerly Road. FREDRICKSON
- [26.](#) * Authorizing the Mayor and City Clerk to execute a contract with Sterling Excavation, Inc. for water main replacement on Waldo Ave. from E. Ashman Street to Wheeler Road and street reconstruction on Waldo Ave. from E. Ashman Street to Whitewood Drive. FREDRICKSON
- [27.](#) * Receive and file a report from City Engineering regarding a request for traffic signals on Waldo Road at the intersections of Diamond Drive at Waldo and at Wheeler at Waldo. FREDRICKSON

NEW BUSINESS:

TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	www.cityofmidlandmi.gov
City of Midland email address:	cityhall@midland-mi.org
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

Backup material for agenda item:

1. * Approve minutes of the March 5 regular City Council Meeting. TISDALE

March 5, 2018

A regular meeting of the City Council was held on Monday, March 5, 2018, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. St. Brigid Pack 3768 let the Pledge of Allegiance to the Flag.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

MINUTES

Approval of the minutes of the February 26, 2018 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. (Motion ADOPTED.)

PUBLIC COMMENTS

No public comments were made.

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

City Attorney James O. Branson III presented for second reading the Consumers Energy Company Gas Franchise Ordinance. The following ordinance was then offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. 1807

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE
AN ORDINANCE, REPLACING ORDINANCE NO. 1144, GRANTING TO CONSUMERS ENERGY COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES, AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE CITY OF MIDLAND, COUNTIES OF BAY AND MIDLAND, MICHIGAN, FOR A PERIOD OF THIRTY YEARS.

The City of Midland ordains:

SECTION 1. GRANT, TERM. The City of Midland, Counties of Bay and Midland, Michigan, hereinafter called the "city" hereby grants a franchise to the Consumers Energy Company, a Michigan corporation, and its successors and assigns, hereinafter called the "grantee," and the right, power and authority thereunder to lay, maintain and operate gas mains, pipes and services for the furnishing of either manufactured or natural gas on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the City of Midland, Counties of Bay and Midland, Michigan, for a period of five years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, the grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, or other public place used by the grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of the grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere in any way with the use thereof for vehicular and pedestrian purposes. Grantee shall conform to all of the applicable ordinances of the city including, but not limited to, chapter 22 of the Code of Ordinances of the city; provided, however that nothing herein shall be construed as a waiver by grantee of any of its existing or future rights under state or federal law.

SECTION 4. HOLD HARMLESS. The grantee shall at all times hold, keep and save the city and its officers, employees or agents free and harmless from all loss, costs and expense to

which it may be subject by reason of the negligent construction, maintenance or operation of the structures and equipment hereby authorized. In case any action is commenced against the city or its officers, employees or agents on account of the permission herein given, the grantee shall, upon notice, defend the city and its officers, employees or agents and save them free and harmless from all loss, cost and damage arising out of such negligent construction, maintenance or operation.

SECTION 5. EXTENSIONS. The grantee shall construct and extend its gas distribution system within the city and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. The grantee shall be entitled to charge the inhabitants of the city for gas furnished therein, such rates as approved by the Michigan Public Service Commission, to which commission or its successors authority and jurisdiction to fix and regulate gas rates and rules regulating such service in the City, is hereby granted during the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either the city, acting by its city council, or by the grantee. The grantee shall also furnish and maintain commercially accurate meters to measure the gas so furnished.

SECTION 8. REVOCATION. The rights, powers and authority granted by this ordinance may be revoked at any time upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. The grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in the city.

SECTION 10. ASSIGNMENT. The rights, powers and authority granted hereunder shall not be leased, assigned or otherwise alienated except with the approval of and subject to the conditions imposed by both the city and the Michigan Public Service Commission or its successors; provided, however, that any such conditions imposed by the city shall not be in direct conflict with any conditions imposed by the Michigan Public Service Commission or its successors.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the grantee shall accept the same in writing filed with the city clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between the city and the grantee.

Section 2. This ordinance shall take effect March 25, 2018. (Ordinance ADOPTED.)

AMUSEMENT RIDES, CIRCUSES, CARNIVALS, SHOWS & EXHIBITIONS LICENSE & FEE

City Attorney James O. Branson III presented for second reading ordinance amendments for Amusement Rides, Circuses, Carnivals, Shows and Exhibitions licenses and fees. The following two ordinance amendments were then presented for consideration.

AMUSEMENT RIDES, CIRUSES, CARNIVALS, SHOWS & EXHIBITIONS LICENSES

The following ordinance amendment was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

ORDINANCE NO. 1808

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTIONS 15-55 THROUGH 15-68 OF ARTICLE II, DIVISION 2 OF CHAPTER 15 THEREOF.

The City of Midland Ordains:

Section 1. Sections 15-55 through 15-68 of Article II, Division 2 of Chapter 15 are hereby amended to read as follows:

DIVISION 2.

AMUSEMENT RIDES, CIRCUSES, CARNIVALS, SHOWS AND EXHIBITIONS

Sec. 15-55. License, exception.

No person shall operate or conduct an amusement ride, circus, carnival, show or exhibition without first obtaining a license therefor from the city clerk and paying the required nonrefundable application fee as set forth in section 21-13 as well as the required license fee as set forth in section 21-14. The provisions of this article shall not be applicable to any fair held under the direct management and supervision of any recognized agricultural association or society or the county of Midland at which agricultural or industrial products are principally exhibited.

Sed. 15-56. Amusement ride, circus, carnival, show, exhibition defined.

As used in this article, amusement ride, circus, carnival, show or exhibition shall mean any amusement enterprise which is operated as part of the amusement attractions, ferris wheels, merry-go-rounds, or other similar or like mechanically operated devices are used, or where sideshows, concessions, games of skill or chance, animal exhibits or other similar or like amusements or entertainment are provided.

Sec. 15-57. Investigation.

The city clerk shall forward a copy of the license application to the chief of police, fire chief, planning director, chief building official and city engineer.

- (a) The chief of police, or its designee, shall review the proposed location, traffic pattern impact, time of operation, or other public safety concerns and shall furnish a written report to the city clerk accompanied by a recommendation as to whether the license should be granted or refused.
- (b) The fire chief, or its designee, shall inspect the proposed location to determine whether it is free from fire hazards, provides adequate type and placement of fire extinguishers and access to water supply and provides access for emergency vehicles. The fire chief shall also ensure that, where applicable, tent permits are obtained with payment of applicable fees as stated in the International Fire Code. The fire chief shall furnish a written report to the city clerk accompanied by a recommendation as to whether the license should be granted or refused.
- (c) The planning director, or its designee, shall review the application with the submitted site map to determine whether the proposed location and site setup meets all zoning, setback, parking, restroom facilities, trash receptacles, barricades, safety requirements and all other requirements as set forth by the planning director. The planning director shall furnish a written report to the city clerk, including but not limited to a temporary use permit, if required, and accompanied by a recommendation as to whether the license should be granted or refused.
- (d) The chief building official, or its designee, shall inspect the proposed location to determine whether there is accessible means of egress, to ensure that signage, electrical fixtures and wiring are in compliance with all rules and regulations and ensure that, where applicable, sign and electrical permits are obtained with payment of all applicable permit fees. The chief building official shall furnish a written report to the city clerk accompanied by a recommendation as to whether the license should be granted or refused.
- (e) The city engineer, or its designee, shall review the application with the submitted site map to determine whether the proposed location and site setup requires a street closure or barricaded crossing or parking spaces. If such needs are required, a temporary traffic control order will be written by the engineering department for the specific closures or barricading needed. The city manager will review the requested temporary traffic control order and, if appropriate, will sign the traffic control order and it will be routed to the appropriate departments for completion.

Sec. 15-58. Health department approval.

The applicant shall obtain written approval from the county health department that all food or beverage service operations at the proposed location have obtained any required licenses, have acceptable operating standards, have acceptable water sources with proper connections, wastewater disposal, where applicable, and, in general, meet all sanitation requirements.

Sec. 15-59. Insurance or bond.

A license to operate an amusement ride, circus, carnival, show or exhibition shall only be issued once the owner or operator has obtained and provided proof of security against the owner's or operator's liability insurance for injuries suffered by persons attending the amusement ride, circus, carnival, show or exhibition by one of the following methods:

- (a) by obtaining a policy of insurance, listing the city as an additional insured, in an amount not less than \$1,000,000.00 insuring the owner or operator against liability for injuries suffered by persons attending the amusement ride, circus, carnival, show or exhibition;
- (b) by obtaining a bond in an amount not less than \$1,000,000.00 with the aggregate amount of the surety and the bond not exceeding the face amount of the bond.

Sec. 15-60. Access of officials for inspection, enforcement of article.

Prior to issuance of a license and once setup is complete, a final onsite inspection of the location must occur by the fire chief, or its designee, and the chief building official, or its designee. Inspections must be scheduled a minimum of 24 hours in advance and will only occur Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Once the onsite inspection has occurred and been approved, staff will notify the city clerk's office. No person licensed under or subject to the provisions of this article nor its agent or any employee, shall deny any member of the city fire, city police or county health department, the city manager or its designees, access to the premises on which the license subject to this article is conducted, maintained, operated, used or displayed for use for the purpose of inspection and for the enforcement of all laws and ordinances.

Sec. 15-61. Hours of operation.

No person shall hold or operate an amusement ride, circus, carnival, show or exhibition between the hours of 10:00 p.m. and 8:00 a.m.

Sec. 15-62. Noise.

An amusement ride, circus, carnival, show or exhibition must comply with sections 16-28 and 16-29 of the code.

Sec. 15-63. License to be displayed.

All licenses granted pursuant to this article shall be prominently displayed on the premises for which they are issued, in such a manner that they are readily visible to the public.

Sec. 15-64. Inspection of amusement ride, circus, carnival, show or exhibition.

The city manager, or its designee, may cause an inspection to be made of every amusement ride, circus, carnival, show or exhibition licensed in this article, including verification that each ride has a current year sticker issued by the state of Michigan certifying that the ride has been inspected, before it is operated for public use and periodically thereafter. If at any inspection, any structural weakness, defect or other unsafe condition is discovered, the city manager, or its designee, at its discretion, may either allow a reasonable period of time to correct a deficiency or violation, based on the severity of said deficiency or violation, or close down the operation, either in whole or part, of any amusement ride, circus, carnival, show or exhibition pending inspection by the appropriate agencies.

Sec. 15-65. Cash deposit required and forfeiture of deposit.

No license shall be issued until a cash deposit is posted in the sum of one thousand dollars (\$1,000.00) to ensure that the applicant will comply with all of the laws of the state and this code in connection with the operation of amusement ride, circus, carnival, show or exhibition and that the applicant shall cease operation on or before the expiration of the license and shall remove all equipment, debris, litter and advertisements which are attributable to the operation of the amusement ride, circus, carnival, show or exhibition or its concessionaires. The

cash deposit posted by an applicant under this article shall be forfeited if the applicant has not restored to its prior condition the area affected by the operation for which the deposit was posted, including the side, roads, rights-of-way and surrounding areas, both public and private, within 24 hours of the conclusion of the amusement ride, circus, carnival, show or exhibition or from the expiration of the license, whichever comes first.

Secs. 15-66--15-68. Reserved.

Section 2. This ordinance shall take effect upon publication. (Ordinance ADOPTED.)

AMUSEMENT RIDES, CIRUSES, CARNIVALS, SHOWS & EXHIBITIONS FEES

The following ordinance amendment was offered by Councilman Arnosky and seconded by Councilman Wazbinski:

ORDINANCE NO. 1809

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTIONS 21-13 AND 21-14 AND REPEALING SECTIONS 21-15 AND 21-16 OF ARTICLE I, DIVISION 1 OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Sections 21-13 through 21-16 Article I, Division 1 of Chapter 21 are hereby amended to read as follows:

Sec. 21-13. Amusement ride, circus, carnival, show or exhibition license application fee.

At the time of filing an application for a permit under division 2 of article 2 of chapter 15, a nonrefundable fee of two hundred fifty dollars (\$250.00) shall be paid.

Sec. 21-14. Amusement ride, circus, carnival, show or exhibition license fee.

The fee for any amusement ride, circus, carnival, show or exhibition license, either outdoors or under canvas, shall be one hundred dollars (\$100.00) per day, paid in advance.

Sec. 21-15. Reserved.

Sec. 21-16. Reserved.

Section 2. This ordinance shall take effect upon publication. (Ordinance ADOPTED.)

PURCHASING ORDINANCE (First Reading)

Assistant City Manager David Keenan introduced Senior Procurement Accountant Ashley Error who presented information on an ordinance amending the City of Midland Purchasing Ordinance. Introduction and first reading of the ordinance amendment was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski. Following Council discussion on the purchasing limits and guidelines, the following resolution was moved by Councilman Arnosky and seconded by Councilman Brown Wilhelm to postpone the first reading:

WHEREAS, a proposed ordinance amending Article II, Chapter 2 of the Code of Ordinances – Purchases, Contracts, Sales being the City Purchasing Ordinance was presented for first reading on March 5, 2017; and

WHEREAS, Council discussion led to directives for further review and consideration; now therefore

RESOLVED, that action on the first reading of the City Purchasing Ordinance is hereby postponed until Monday, March 26, 2018. (Motion ADOPTED.)

SITE PLAN NO. 367

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 367 initiated by Moltus Building Group for site plan review and approval of a 53,135 sq. ft. warehouse facility located at 1926, 2100 and 2120 James Savage Road.

UNAPPROVED

WHEREAS, the City Council has reviewed the proposed Site Plan No. 367 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 367, contingent upon the following:

1. A final site grading plan to the satisfaction of the City Engineering and Planning Departments is required.
2. A final photometric plan documenting compliance with Article 3's lighting standards is required to the satisfaction of the City Building Department.
3. A final landscaping plan documenting compliance with Article 6 is required to the satisfaction of the City Planning Department.
4. A final storm water management permit amendment must be approved by the City Engineering Department.
5. A final soil and sedimentation control plan must be approved by the City Building Department.
6. Final engineering drawings and public sanitary sewer and water utility easements to the satisfaction of the City Engineering Department and City Attorney's Office.
7. A legal agreement to construct the deferred parking to the satisfaction of the City Planning Department and City Attorney's Office in the event observed usage by the City Building Department warrants its construction.

(Motion ADOPTED.)

DIAL-A-RIDE ADVISORY COMMISSION – MARSHALL APPOINTMENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that Jenny Marshall is hereby appointed to the Dial-A-Ride Advisory Commission for a term expiring on June 30, 2020. (Motion ADOPTED.)

VETERAN'S MEMORIAL 150 RUN EVENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that the request from Kurt Adams seeking permission to conduct the Veterans Memorial 150, a running event, on May 27, 2018 utilizing the Rail Trail and public streets, is hereby approved subject to the following conditions:

- The responsible party and contact number for the event date is Kurt Adams, 810-923-7371.
- Due to the Rail Trail closure for construction on the M-20 Bridge, the Main Street detour must be used.
- Use of the Rail Trail is non-exclusive and **no markings of any type** (i.e., paint, spray paint, spray chalk, chalk, etc.) are permitted on the trail route surfaces.
- Participants must obey all traffic laws and traffic control devices as well as the Rail Trail Etiquette/Rules attached.
- Trail must be cleaned up afterwards to remove any litter.

RESOLVED FURTHER, that the Administrative Staff is hereby authorized to approve future requests for the event provided it is conducted in substantially the same manner. (Motion ADOPTED.)

SIDEWALK IMPROVEMENT PROGRAM; CONTRACT NO. 08

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for sidewalk installations at various locations throughout the City; and

WHEREAS, funding for this project is provided by the General Fund and Special Assessment; now therefore

RESOLVED, that the low sealed proposal submitted by Tri-Valley Construction LLC of Saginaw, Michigan for the "2017 Sidewalk Improvement Program; Contract No. 08", in the amount of \$64,186.00 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$10,000. (Motion ADOPTED.)

2018 CARPENTER STREET RECONSTRUCTION & WATER MAIN; CONTRACT NO. 01

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main replacement and street reconstruction on Carpenter Street; and

WHEREAS, funding for this project is provided by the Major Street and Water Funds; now therefore

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2018 Carpenter Street Reconstruction & Water Main; Contract No. 01", in the amount of \$1,118,862.25 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$50,000. (Motion ADOPTED.)

MDOT CONTRACT NO. 2018-0187 – AUTOMATED WEATHER OBSERVATION SYSTEM

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the Automated Weather Observation System (AWOS) at Jack Barstow Airport was installed in 2008; and

WHEREAS, the original Michigan Department of Transportation (MDOT) cost share agreement contracts for the maintenance and data collection and dissemination have expired; and

WHEREAS, Contract 2018-0187, prepared by the Michigan Department of Transportation and to be reviewed by the City Attorney, specifies a cost sharing agreement to be used for the maintenance and data collection of the AWOS; and

WHEREAS, the City of Midland is responsible for a cost share of the AWOS 50% of the maintenance and data collection and dissemination costs of aviation routine weather reports; now therefore

RESOLVED, that the City Council authorizes the Mayor and City Clerk to sign and execute Michigan Department of Transportation Contract No. 2018-0187 on behalf of the City of Midland, upon review and approval of the City Attorney. (Motion ADOPTED.)

GRACE A. DOW MEMORIAL LIBRARY WORK STATIONS PURCHASE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the staff work stations in the lower level of the Grace A. Dow Memorial Library were damaged by the flood in June 2017; and

WHEREAS, utilizing the State of Michigan MiDEAL Extended Purchasing Program offers the lowest price for the purchase of eleven staff work stations for the Grace A. Dow Memorial Library; and

WHEREAS, funds are available in the 2017-2018 City's Property and Liability Insurance Fund; now therefore

RESOLVED, that the proposal submitted by Space, Inc. to purchase and install staff work stations using the State of Michigan MiDEAL Extended Purchasing Program for the Grace A. Dow Memorial Library in the amount of \$29,399.73 is hereby accepted and a purchase order authorized. (Motion ADOPTED.)

UNLEADED FUEL PURCHASE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors email prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,401 gallons of E10 ethanol blend unleaded fuel from Hirschman Oil of Reese, Michigan for \$23,344.54 executed by the Senior Procurement Accountant on February 6, 2018, is hereby approved. (Motion ADOPTED.)

DIESEL FUEL PURCHASE

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors email prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 12,001 gallons of Winter Blend diesel fuel from Super Flite Oil of Saginaw, Michigan for \$23,520.76 executed by the Senior Procurement Accountant on February 22, 2018, is hereby approved. (Motion ADOPTED.)

HEATING & AIR MAKEUP UNIT – SERVICE CENTER

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, sealed proposals were advertised and received on February 20, 2018 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 3923, Purchase and Installation of one (1) Heating and Air Makeup Unit; and

WHEREAS, sufficient funding for this is included in the FY 2017-18 Municipal Service Center Capital Fund's Outlay budget to replace the existing unit located in the garage; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to the low bidder, MJ Mechanical Services Inc. of St. Charles, Michigan, in the amount of \$57,000 for the purchase and installation of a heating and air makeup unit at the Municipal Service Center garage. (Motion ADOTPED.)

DART BUS REPLACEMENT

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City of Midland requested replacement of one bus in the Dial-A-Ride fleet under the FY2017 5339 Small Urban Capital federal grant program through the Federal Transit Administration; and

WHEREAS, the State of Michigan Department of Transportation and the Federal Transit Administration have approved said request and acquired the necessary state matching funds for the purchase of this replacement bus; and

WHEREAS, sufficient funding for the purchase of the bus is included in the FY 2017-18 Dial-A-Ride budget along with the corresponding revenue from the Section 5339 capital grant; and

WHEREAS, the bus will be purchased off the State of Michigan's Extended Purchasing program; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to the State of Michigan's selected vendor, Hoekstra Transportation, Inc. of Grand Rapids, Michigan in the amount of \$72,213 for the purchase of one 8+2 passenger cutaway bus, all in accordance with the State of Michigan's Extended Purchasing Program proposal and specifications; and

RESOLVED FURTHER, that the City Manager is authorized to approve change orders up to \$2,000 for any unforeseen additional expenses incurred during fabrication of the buses; and

RESOLVED FURTHER, that after the new replacement bus is put into service, the old bus shall be sold in accordance with Code Section 2-22 and 2-23, and the proceeds be used for Dial-A-Ride operational expenses. (Motion ADOPTED.)

PICKLE BALL & TENNIS COURT FACILITY – GRANT REQUEST

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. on March 26, 2018 in the City Council Chambers of City Hall on a grant application to the Land and Water Conservation Fund for \$115,000 for the construction of a new outdoor pickle ball and tennis court facility in Central Park. (Motion ADOPTED.)

EMERSON PARK RIVERFRONT RENOVATIONS PHASE II – GRANT APPLICATION

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. on March 26, 2018 in the City Council Chambers of City Hall on a grant application to the Michigan Natural Resources Trust Fund for phase II of the upper Emerson Park riverfront renovation project. (Motion ADOPTED.)

NEW BUSINESS

Mayor Donker presented information on City Manager C. Bradley Kaye's six month job performance evaluation that was conducted in closed session prior to the meeting. The City Manager's job performance review will now be conducted annually with the next one prior to the end of June, 2018.

Being no further business the meeting adjourned at 7:25 p.m.

Selina Tisdale, City Clerk

Backup material for agenda item:

2. * Approve minutes of the March 5 special City Council meeting. KAYE

March 5, 2018

A special meeting of the City Council was held on Monday, March 5, 2018, at 5:30 p.m. in Conference Room A in City Hall. Mayor Donker presided.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

CLOSED SESSION

The following resolution was offered by Councilman Adams and seconded by Councilman Wazbinski:

RESOLVED, that in accord with Section 8(a) of Public Act 267 of the Public Acts of the State of Michigan of 1976, as amended, and upon adoption of this resolution by a majority vote of the City Council, the City Council shall adjourn to a closed session on Monday, March 5, 2018, at 5:30 p.m., upon the request of the City Manager to consider a periodic personnel employment evaluation of the City Manager. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned to a closed session at 5:31 p.m.

C. Bradley Kaye, Deputy City Clerk

Backup material for agenda item:

3. * Approve minutes of the March 7 special City Council meeting. BRANSON

March 7, 2018

A special meeting of the City Council was held Wednesday, March 7, 2018, at 6:30 p.m. at the Currie Golf Course Clubhouse. Mayor Donker presided.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

CITIZENS ACADEMY

City Council held a discussion with the participants of the 2018 Citizens Academy.

Being no further business the meeting adjourned at 8:40 p.m.

James O. Branson III, Deputy City Clerk

Backup material for agenda item:

4. * Approve minutes of the March 14 special City Council meeting. TISDALE

March 14, 2018

A special meeting of the City Council was held Wednesday, March 14, 2018, at 6:30 p.m. in the Council Chambers in City Hall. Mayor Donker presided.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

CITIZENS ACADEMY GRADUATION

City Council held a special graduation session with the participants of the 2018 Citizens Academy.

Being no further business the meeting adjourned at 8:00 p.m.

Selina Tisdale, City Clerk

Backup material for agenda item:

5. Zoning Petition No. 618 by Mike Rapanos to amend the City of Midland zoning map by rezoning a portion of the property located at 3401 E. Wheeler Road from Township zoning to RC Regional Commercial zoning. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Zoning Petition No. 618

PETITIONER: Mike Rapanos

RESOLUTION

SUMMARY: Action to amend the City of Midland zoning map by rezoning a portion of the property located at 3401 E Wheeler Road from Township zoning to RC Regional Commercial zoning.

ITEMS ATTACHED:

1. Letter of transmittal
2. Ordinance
3. Staff Report to Planning Commission
4. Planning Commission minutes
5. Location maps

CITY COUNCIL ACTION:

1. Public hearing is required.
2. 3/5 vote required.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, February 13, 2018, the Planning Commission considered Zoning Petition No. 618, initiated by Mike Rapanos, to rezone a portion of the property located at 3401 E. Wheeler Road from Township zoning to RC Regional Commercial zoning. In order to apply uniform zoning to this area, a portion of the abutting Waldo Avenue right-of-way has been included in the petition subject area.

After deliberation on the petition, the Planning Commission took the following action:

It was moved and seconded to recommend approval of Zoning Petition No. 618 initiated by Mike Rapanos to rezone a portion of the property located at 3401 E. Wheeler Road from Township zoning to RC Regional Commercial zoning.

Vote on the motion:

YEAS: Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying

NAYS: None

ABSENT: Mayville, Stamas

The motion was approved 7 to 0.

On February 26, 2018 the City Council set a public hearing for March 26, 2018 at 7:00 p.m. to consider Zoning Petition No. 618. A resolution approving the petition is now presented for City Council consideration following the conclusion of the public hearing.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, BY AMENDING THE ZONING MAP TO PROVIDE A RC REGIONAL COMMERCIAL ZONING DISTRICT WHERE A TOWNSHIP ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS: W 1/2 OF SW 1/4. EXC COM AT SW SEC COR, TH E 553.31 FT, N 37D 23M W 795.48 FT TO W SEC LN, S 707.6 FT. EXC HWY ROW, SEC 01 T14N R2E.

Be, and the same is hereby changed to RC Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a _____ yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



ZP #618

Date: February 7, 2018

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Zoning Amendment Petition #618 (Rezoning Request)

APPLICANT: Mike Rapanos

LOCATION: 3401 E. Wheeler Road

AREA: approximately 40.79 acres (including portions of abutting street right-of-way)

ZONING: EXISTING: Township Zoning
 PROPOSED: RC Regional Commercial

ADJACENT ZONING: N: Township Zoning
 W: Township Zoning
 E: Township Zoning
 S: (AG) Agricultural & Township Zoning

ADJACENT DEVELOPMENT: N: Agricultural
 W: Single-family residential and Agricultural
 E: Agricultural and mini-storage buildings
 S: Single-family residential

REPORT

Zoning Petition No. 618, initiated by Mike Rapanos, to rezone a portion of the property located at 3401 E. Wheeler Road from Township Zoning to RC Regional Commercial zoning. In order to apply uniform zoning to this area, a portion of the abutting Waldo Avenue right-of-way has been included in the petition subject area.

BACKGROUND

The subject area is vacant. It is surrounded primarily by existing vacant agricultural uses and single family development; the Primrose senior living complex is currently being constructed to the north.

In regards to the City's Master Plan, the subject area closely follows land that is designated as Commercial. The properties to the north and east are also shown as Medium Density

Residential. Land to the west is planned for Commercial purposes; whereas, land to the south is shown as a mix of Light and Heavy Industrial.

The purpose of the Regional Commercial District is to provide for commercial development that offers a diversity of retail, service, entertainment, office, finance, and related business uses to serve the needs of residents of the City and region. The Regional Commercial District is intended to be the City's most intensive, vehicle-oriented commercial district. Consequently, Regional Commercial uses should be served by or have access to major or minor thoroughfares and the uses should be buffered from or located away from residential uses. Because of the prominence of Regional Commercial uses, high standards of site planning and landscape design have been included within the district provisions.

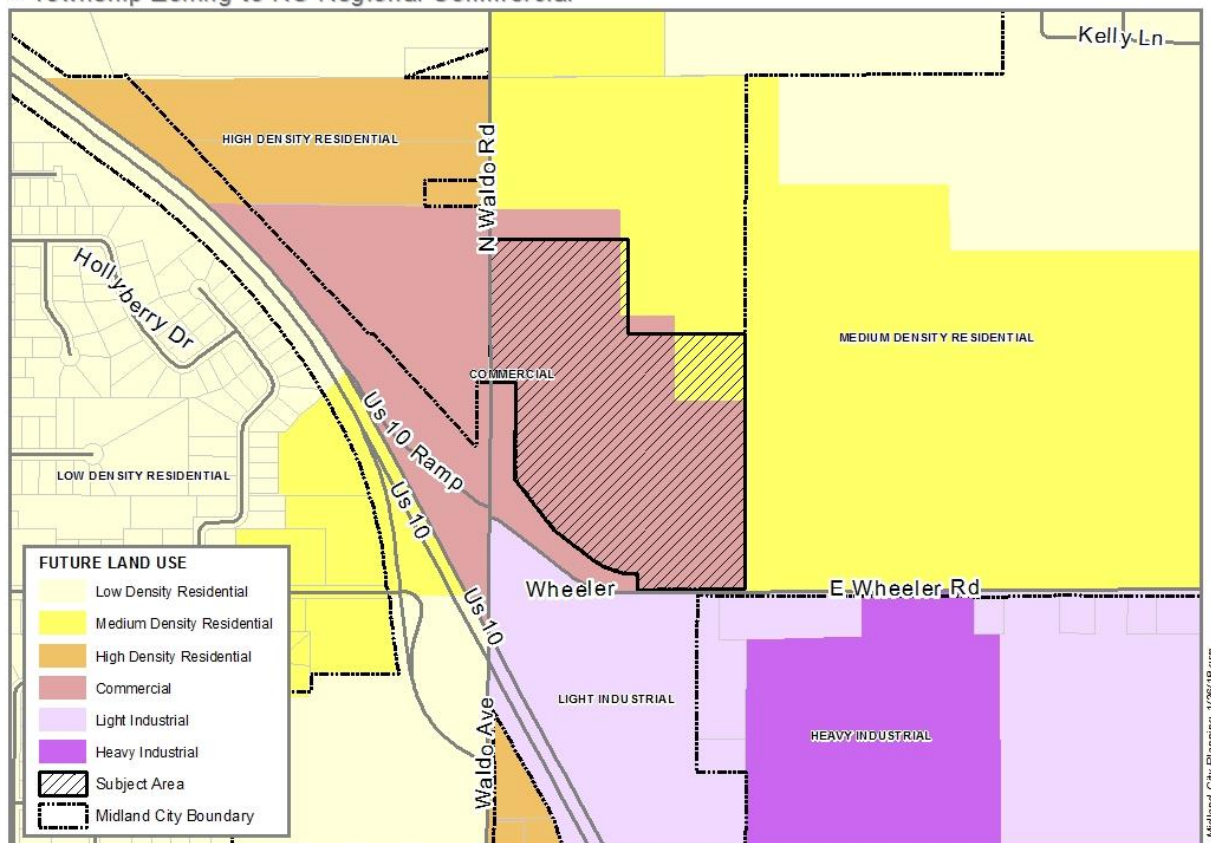
ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

1. Is the proposed amendment consistent with the City's Master Plan?

ZP #618 | 3401 E. Wheeler Road

> Township Zoning to RC Regional Commercial



Yes. The Future Land Use map of the City's Master Plan identifies this area for Commercial purposes. The stepped area of the Commercial designation closely follows the extent of the zoning petition.

The Master Plan identifies this area as a future Large Commercial Center (page 5.12). Such areas are intended to include large scale commercial development, and are located along major thoroughfares in the City. When originally identifying this area for future commercial development, consideration of size and location was given in order to determine how it would best interact with surrounding uses while also providing convenience to city and regional residents.

2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?

Yes. In staff's opinion, the proposed rezoning would promote the intent of the zoning code through reclassification of the parcel as outlined below in the City's zoning code.

Section 1.02 B INTENT

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.

3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?

The subject property, as well as surrounding properties to the north and west, were annexed into the City of Midland during 2014-15. Following annexation, it is customary for City zoning to be applied in line with the City's Master Plan. The petition is proposing a commercial business zoning district that meets the intent of the Commercial future land use designation for the property.

4. Will the amendment merely grant special privileges?

No. The proposed use of the subject parcel and those of the adjoining parcels are suitable for commercial business development in the future.

5. Will the amendment result in unlawful exclusionary zoning?

No. The zoning amendment would continue a pattern of zoning designation that is consistent with the general pattern of development envisioned in the area and in a manner that would not be considered exclusionary.

6. Will the amendment set an inappropriate precedent?

No. The zoning petition is supported by the City's Master Plan and future land use map.

7. Is the proposed zoning consistent with the zoning classification of surrounding land?

Yes. Although City zoning has not been applied to recently annexed properties to the north and west, the proposed zoning is consistent with the future land use plan and is compatible with existing zoning.

8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?

Yes. The current Master Plan, adopted in 2016, supports this area as being appropriate for commercial business uses. These uses surround the Waldo Avenue, U.S. 10 and Wheeler Road intersection on north/northeast, forming a commercial node.

9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?

Yes. The parcel could meet all of the RC Regional Commercial zoning requirements for new developments.

10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

Yes. This zoning classification of RC will be consistent with the existing and anticipated land uses in the area. Commercial development is expected around the freeway intersection and is be planned in such a way to be compatible with medium density residential uses in this area.

STAFF RECOMMENDATION

Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- RC Regional Commercial zoning is a reasonable and appropriate zoning classification that will permit development of the subject lands for uses compatible with the adjacent existing single family residential and multiple-family residential uses scattered over properties to the north, east and west, as well as the industrial uses planned to the south.
- RC Regional Commercial would establish a commercial zoning that is envisioned by the City's Master Plan on the north and northeast sides of the intersection of Waldo Avenue, U.S. 10 and Wheeler Road.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area and its proximity to the intersection of Waldo Avenue, U.S. 10 and Wheeler Road.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on February 13th and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on February 26, 2018 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for March 26, 2018 at which time a decision will be made on the proposed zoning

change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel". The signature is fluid and cursive, with the first name "Grant" being more prominent than the last name "Murschel".

Grant Murschel
Director of Planning & Community Development

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, FEBRUARY 13, 2018, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman Heying.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

PRESENT: Bain, Hanna, Heying, Pnacek, Koehlinger, McLaughlin and Tanzini

ABSENT: Mayville, Stamas

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development, Tony Dier, Community Development Planner, and five (5) others.

4. **Approval of Minutes**

Moved by Hanna and seconded by McLaughlin to approve the minutes of the regular meeting of January 23, 2018 with no changes. Motion passed unanimously.

5. **Public Hearing**

- a. **Site Plan No. 366-** initiated by Jerome Schafer for site plan review and approval of a 36 unit single-family residential site condominium, located at 204 Commerce Road.

Murschel presented an overview to cover the content for SP 366. The property is zoned RA-4 and 36 single family units are proposed. It is located near the intersection of Jefferson Road and Commerce Drive. The property was previously used for agricultural purposes. Clearpoint Landing is located to the west of the subject property. The site plan shows north-south and east-west streets. The north-south road is proposed as a public street from Commerce Drive to the northern edge of the property. The east-west streets will both be private streets. Stormwater management retention is located to the west of the public street north of Commerce Drive. Landscaping is not required, but additional screening is proposed along Commerce Drive and along the proposed Bartos Trail.

Staff has found the site meets zoning requirements with a few contingencies. Lots must meet the minimum lot width requirements, specifically lots 1-10 and 33-35. This can be handled administratively prior to final approval. Other administrative items will be addressed prior to final approval, including development agreements, private street collection, and emergency access connection.

Staff recommends approval of the site plan with eight (8) contingencies outlined in the staff report.

Koehlinger asked if anything has changed since the Commission packet was sent out. Murschel indicated nothing had.

One phone call inquiry was received from a property to the west of the subject parcel.

Hanna inquired about lot width deficiencies. Murschel showed on the site plan the lots that do not have enough width from a zoning standpoint. The lots are 56 feet wide and 60 feet is required.

Koehlinger asked if the lot size changes will impact the site significantly or alter the proposed street. Murschel stated he does not believe it will but that the applicant will be able to elaborate more.

Heying asked about the public road and the city's obligations, along with the dimensions. Heying also asked about the drain. Murschel confirmed the road obligations and that a county drain does not exist.

Heying opened the meeting for public comment.

Jerry Schafer, 537 Whitetail, clarified the lot widths as a mistake and said they will correct the lot sizes to meet the requirements. The detention area is oversized to allow for more open space and to allow for plantings. A previous site plan was approved six months ago, he stated, and this is less dense.

Mark Wahl, 1397 W. Linwood, stated he was involved in the first site plan. They saw a need for homes for 55+ age residents and that this development will suit that market. Bain asked about the lot widths and if there are encroachment issues. Mr. Wall said there will not be. Mr. Schafer stated some space will be lost to meet the lot sizes.

Heying opened the meeting to public comment in support or opposition. No comments in support or opposition.

Heying asked if they should waive rules. Pnacek motioned to waive the rules of procedure, Hanna seconded. Motion was approved unanimously.

Pnacek said he remembers the original duplex proposal. He believes this fits the area. McLaughlin agrees with this new layout and proposal. Heying and Hanna voiced approval as well.

It was moved by McLaughlin and seconded by Hanna to recommend approval of Site Plan No. 366 initiated by Jerome Schafer for site plan review and approval of a 36 unit single-family residential site condominium, located at 204 Commerce Road, with the following contingencies:

1. Units 1-10 and 33-35 must meet the size regulations of the RA-4 One & Two Family Residential zoning district to the satisfaction of the City Planning Department.
2. A final stormwater permit amendment must be approved by the City Engineering Department.
3. A final soil erosion and sedimentation control permit must be approved by the City Building Department.
4. Final engineering drawings and public sanitary sewer and water utility easements to the satisfaction of the City Engineering Department.
5. Final approval of the condominium Master Deed and By-Laws to the satisfaction of the City Planning Department.
6. Final approval and execution of a development agreement to the satisfaction of the City Attorney's Office, Engineering and Planning Departments.
7. Private Street Collection agreement to the satisfaction of the City Public Services Department.
8. Connection to the abutting emergency access driveway of the Redwood development site to the satisfaction of the City Fire, Planning and Engineering departments.

YEAS: Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying

NAYS: None

ABSENT: Mayville and Stamas

- b. Zoning Petition No. 618**, initiated by Mike Rapanos, to rezone a portion of the property located at 3401 E Wheeler Road from Township zoning to RC Regional Commercial zoning.

Murschel presented an overview to cover the content for ZP 618. The area is a little over 40 acres and is proposed to be rezoned RC Regional Commercial. The property is still currently zoned as Township Zoning. The stepped property shape is similar to the stepped zoning shown in the city's Master Plan. The neighboring properties are mixed between Midland Township and City properties. The Future Land Use map shows commercial zoning designations on this property and the neighboring property across N.

Waldo Rd. The properties to the south are light industrial and the properties north are residential. Murschel outlined the RC zoning district and the intent of the designation along with the permitted uses.

The proposed amendment is consistent with the City's Master Plan and Future Land Use Map. North Waldo is designated in the Master Plan as a large commercial corridor area. The amendment is in accordance with the intent of the zoning ordinance. Conditions have changed to justify this rezoning due to changes in the area.

The amendment will not grant special privileges and will not be unlawful exclusionary zoning. It will not set an inappropriate precedent and is consistent with zoning classification of the surrounding land. The proposed amendment matches the future land use designation of the surrounding land in the Master Plan. The requirements of the zoning ordinance can be met and the proposed zoning is consistent with nearby development trends.

No public comments have been received.

Staff recommends approval of the rezoning petition.

Bain asked if there are any historical reasons why the property boundaries do not match the jagged edge of the future land use map. Murschel discussed the property boundaries.

Koehlinger asked whether the properties would be adequately buffered from residential uses. Murschel said there are multiple areas in the city that illustrate the close proximity of residential and commercial areas.

Hanna asked about traffic concerns on N. Waldo. Murschel stated that traffic concerns are typically dealt with during site plan review but can be discussed now. Engineering is looking at the traffic on N. Waldo for review.

Heying opened the public meeting and asked the petitioner to step forward.

David Rapanos, 16 Pinehaven Circle, addressed the proposal.

Heying opened the meeting for public comment in support or opposition. None. Public hearing closed.

Pnacek motioned to waive the rules of procedure, Hanna seconded. Motion was approved unanimously.

Pnacek said he knows there are traffic concerns but they should be addressed in a site plan review. He believes the amendment makes sense and matched the Master Plan.

Koehlinger asked the difference between Community Commercial and Regional Commercial. Murschel discussed intensity of uses in the two districts. Koehlinger agrees with Pnacek's comments. McLaughlin agrees with the commercial zoning node concept.

It was moved by McLaughlin and seconded by Hanna to recommend approval of Zoning Petition #618 initiated by Mike Rapanos to rezone a portion of the property located at 3401 E. Wheeler Road from Township Zoning to RC Regional Commercial zoning.

YEAS:	Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying
NAYS:	None
ABSENT:	Mayville, Stamas

- c. **Zoning Petition No. 619**, initiated by Big Timber LLC., to rezone the property located at 5900 Waldo Avenue from Township zoning to RA-2 Single Family Residential zoning.

Murschel presented an overview to cover the content for ZP 619. The proposed zoning is RA-2 Single Family Residential. The area is close to the area proposed for commercial zoning in the previous zoning petition. The subject parcel is located near the Primrose development, to the north. The uses is currently agricultural and wooded area. The area is Township Zoning currently, surrounded by properties located in Midland Township. To the east is a property zoned RA-3. Primrose is zoned RB Multiple Family Residential. The subject area is shown on the Future Land Use Map as low density residential. Murschel outlined the RA-2 zoning district intent and permitted uses.

Murschel outlined the evaluation criteria. The proposal meets the intent and requirements of the Master Plan, including justification that the zoning matches changes in the area such as the annexations. Rezoning will not grant special privileges or exclusionary zoning, is consistent with the Future Land Use map, and is compatible with the surrounding land use and future zoning designations.

No public comments were received.

Staff recommends approval of the zoning petition.

Heying opened the meeting

David Rapanos, 16 Pinehaven Circle, spoke about the petition. He stated he wanted RA-2 because home prices are high and there is demand. The reduced lot sizes in the zoning district allow for more affordability. He stated he is prepared to submit a subdivision plan. He stated he believes they need a stoplight at Diamond Drive. He is concerned about the traffic on N. Waldo, especially with the new Primrose development.

Bain asked about large equipment nearby. Mr. Rapanos stated it is Primrose's equipment.

Heying opened the meeting for public comment in support and opposition. There were none. Public hearing closed.

Pnacek motioned to waive the rules of procedure, Hanna seconded. Motion was approved unanimously. Bain stated this rezoning seems straightforward.

McLaughlin said the traffic concerns are worth considering, and asked Murschel his thoughts on what the Engineering Department would think. Murschel spoke about an access management report that was done. He said he'd forward on the concerns to the Engineering Department. Bain agreed that people push the speed limit in the N. Waldo area.

Hanna said she is concerned about the school bus in this area. She believes this should be a priority to the Engineering Department. She also believes the road is too narrow. Pnacek stated he believes a study is needed and should be a start. Hanna disagreed and questioned how many times the road needs to be studied.

It was moved by McLaughlin and seconded by Hanna to recommend approval of Zoning Petition No. 619, initiated by Big Timber LLC., to rezone the property located at 5900 Waldo Avenue from Township zoning to RA-2 Single Family Residential zoning.

YEAS:	Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying
NAYS:	None
ABSENT:	Mayville, Stamas

6. Old Business

None

7. Public Comments (unrelated to items on the agenda)

None

8. New Business

a. 2018 Master Plan Update – Areas of Consideration

Murschel gave a presentation outlining the staff proposal for a possible 2018 Master Plan Update. The proposed update would focus on Chapter 5 specifically, the Future Land Use section of the Plan. Other areas will most likely not be revisited this time around, but will most likely be reviewed in the next few years. There are five areas included as foci for the Future Land Use analysis. Murschel outlined the phases of the project, public input portions, and a schedule of work. Discussion occurred between Mr. Murschel and the Commissioners on the subareas outlined in the presentation.

Subareas for Review:

- Waldo & Bay City Road Corridors
- Sandow Road & Isabella Street (M20)
- Downtown, Midtown & Former 4D Property
- North Business Area (North Jefferson, Eastman – Joe Mann – US-10 Area)
- Center City Area

Motion by Bain, seconded by Hanna, to have staff initiate a notice of intent to plan to being the 2018 Master Plan review process. Motion passed unanimously.

9. Communications

Planning & Zoning Training workshop brochure.

Planning & Zoning News monthly magazine.

10. Report of the Chairperson

Commissioner Heying addressed his abstention from the last meeting's rezoning proposal. He mentioned he was not within the rules of procedure to do that and wanted to address the issue.

11. Report of the Planning Director

Murschel discussed the rezoning petition scheduled for City Council.

12. Items for Next Agenda – February 13, 2018

- a. Site Plan No. 367** – initiated by Moltus Building Group for site plan review and approval of a warehouse facility located at 1926, 2100 and 2120 James Savage Road.

It was motioned by Hanna and seconded by Pnacek to adjourn at 8:45 p.m. Motion passed unanimously.

Respectfully submitted,

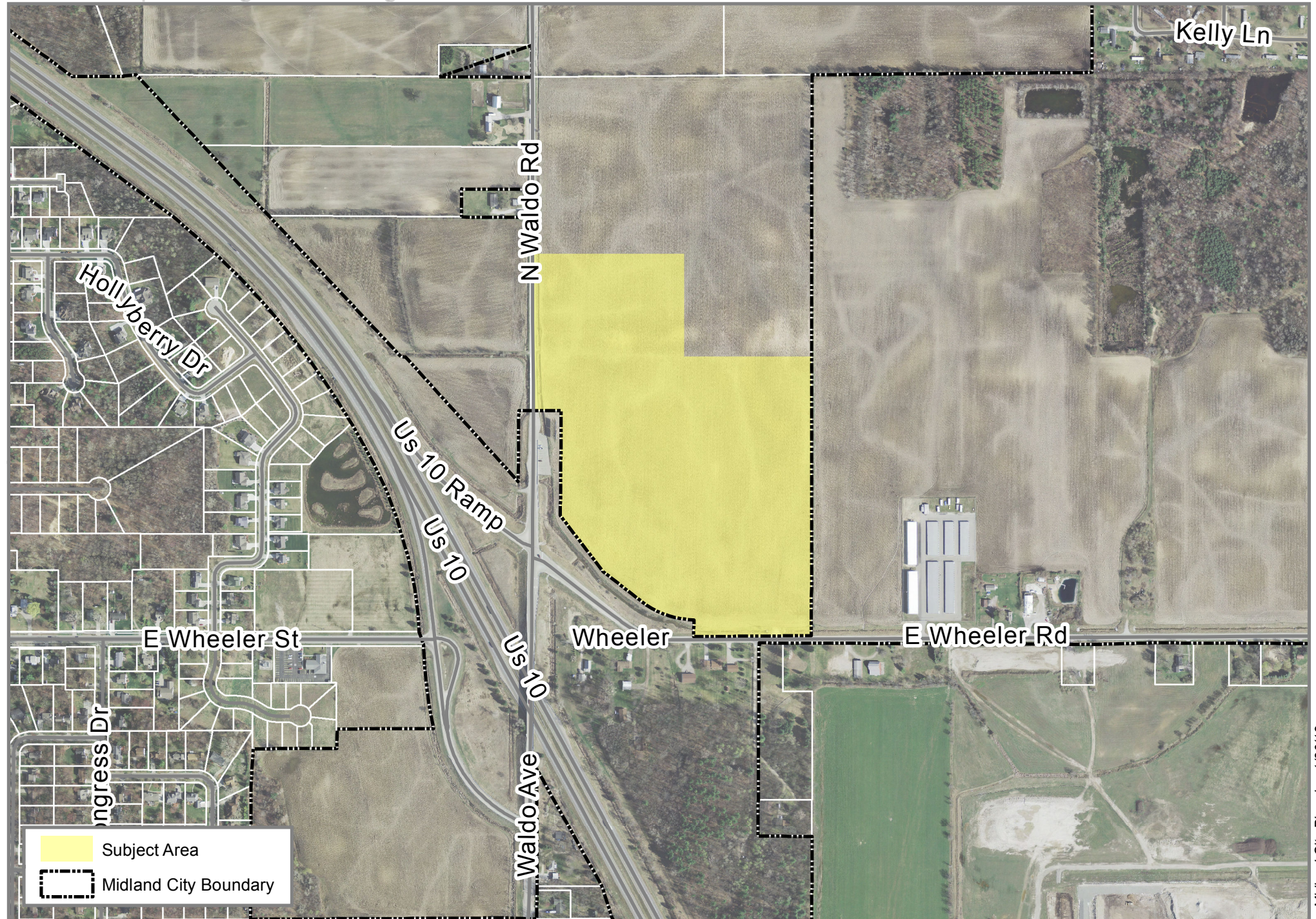


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

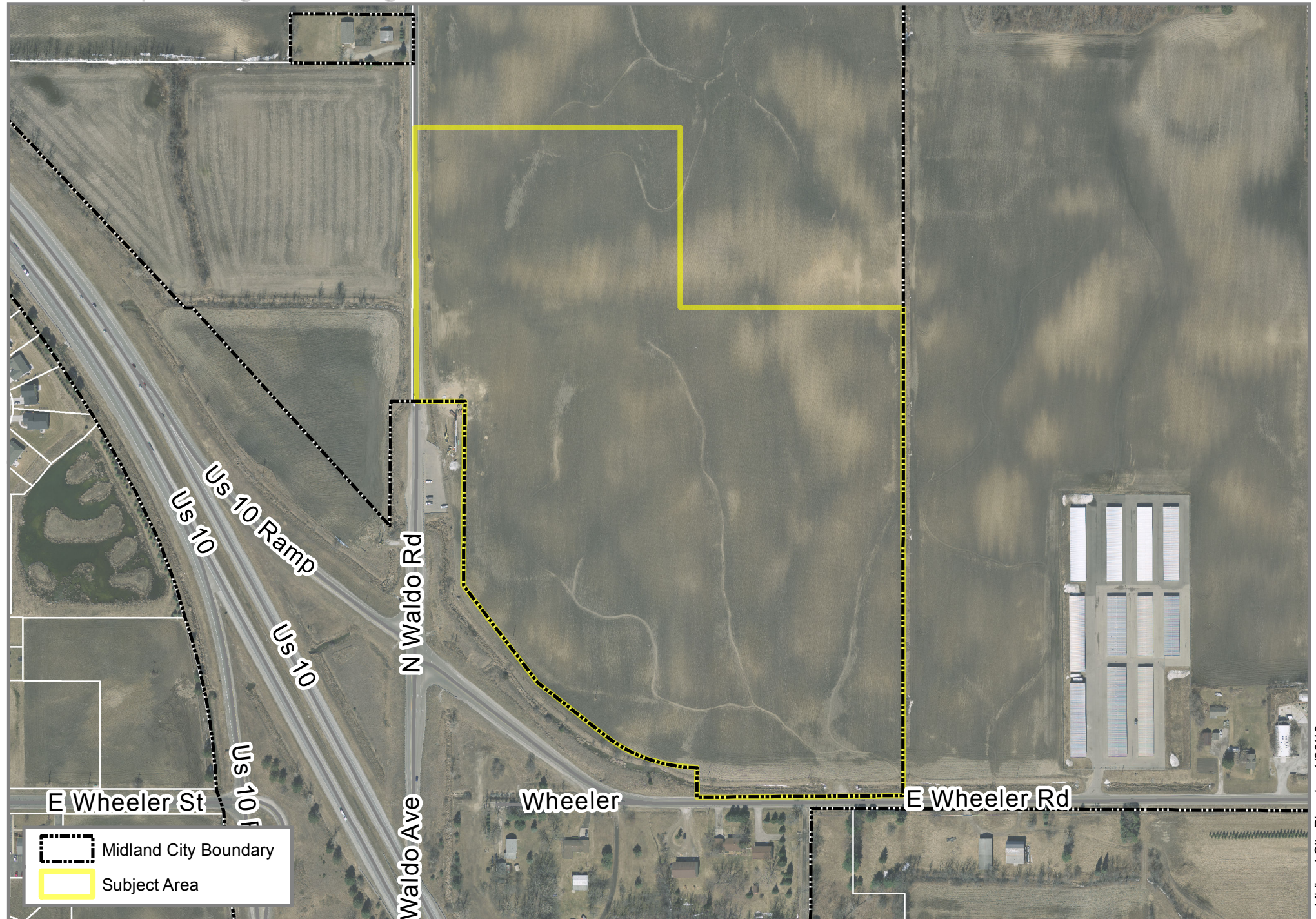
ZP #618 | 3401 E. Wheeler Road

> Township Zoning to RC Regional Commercial



ZP #618 | 3401 E. Wheeler Road

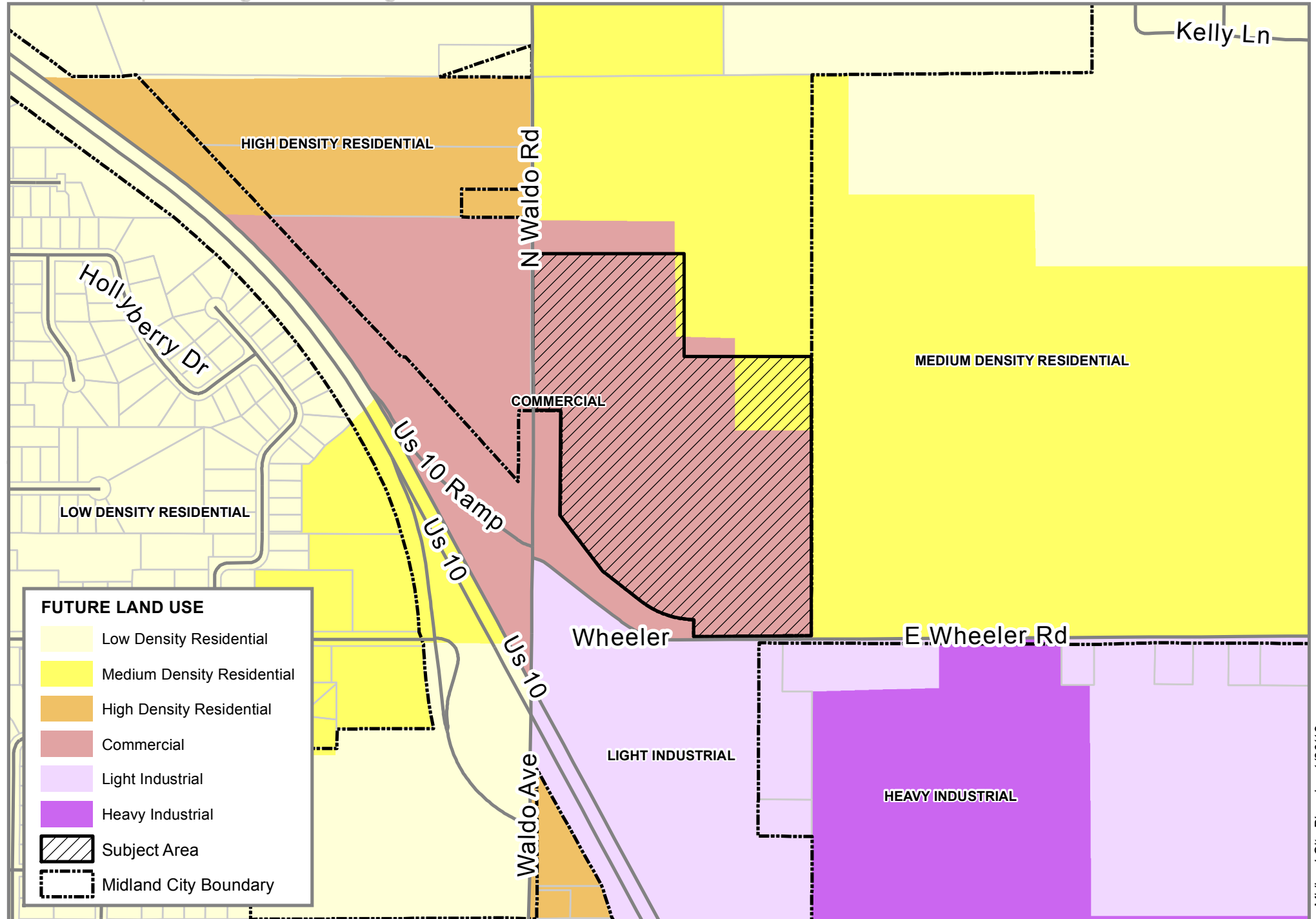
> Township Zoning to RC Regional Commercial



ZP #618 | 3401 E. Wheeler Road

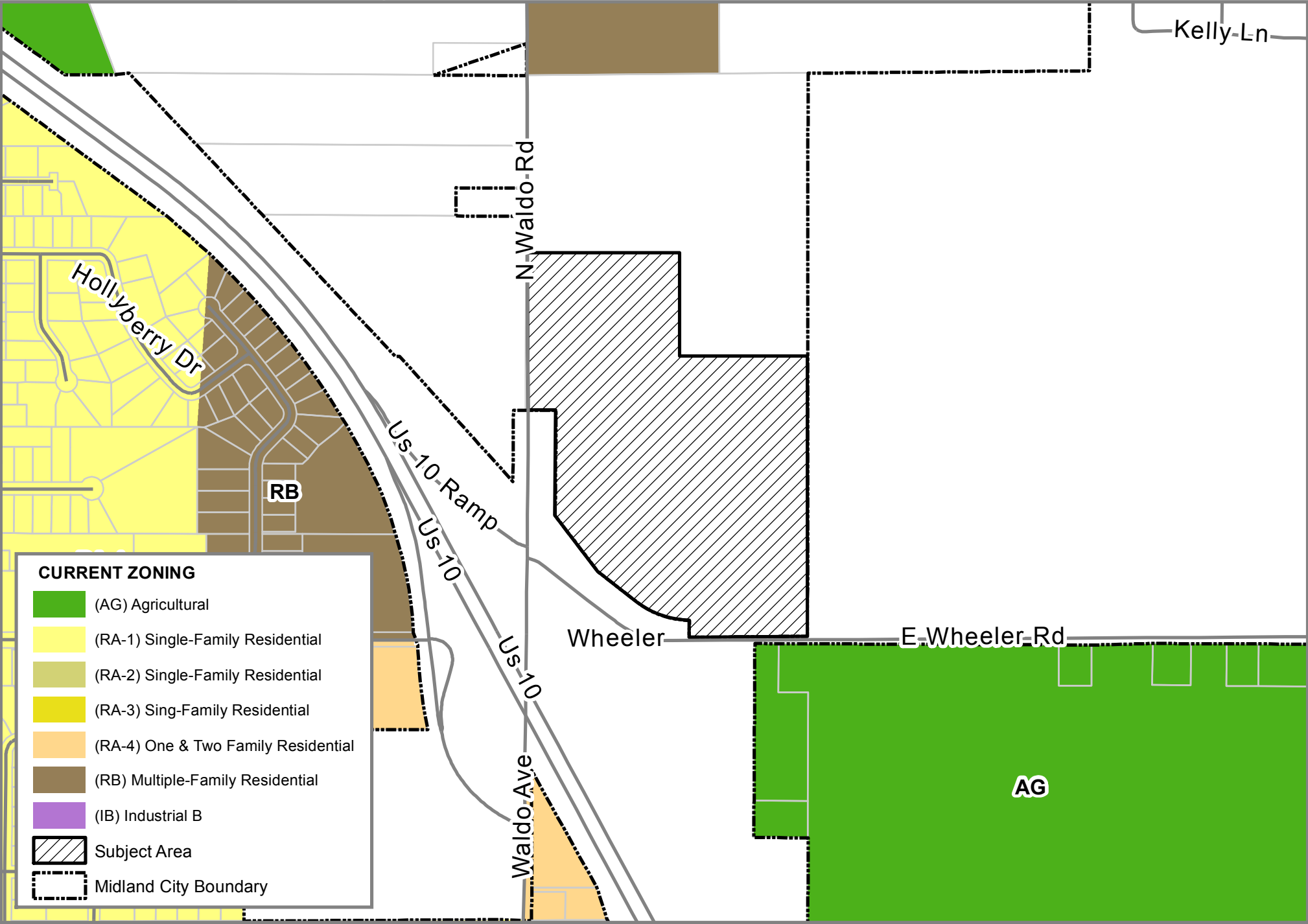
> Township Zoning to RC Regional Commercial

38



ZP #618 | 3401 E. Wheeler Road

> Township Zoning to RC Regional Commercial



Backup material for agenda item:

6. Zoning Petition No. 619 by Big Timber, LLC to amend the City of Midland zoning map by rezoning the property located at 5900 Waldo Ave. from Township Zoning to RA-2 Single-Family Residential zoning. MURSCHEL



ZP #619

Date: February 7, 2018

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Zoning Amendment Petition #619 (Rezoning Request)

APPLICANT: Big Timber LLC

LOCATION: 5900 Waldo Ave.

AREA: approximately 66.11 acres (including portions of abutting street right-of-way)

ZONING: EXISTING: Township Zoning
PROPOSED: RA-2 Single-Family Residential

ADJACENT ZONING: N: Township Zoning
W: (RA-3) Single Family Residential
E: Township Zoning
S: (RB) Multiple-family Residential & Township Zoning

ADJACENT DEVELOPMENT: N: Single-family residential
W: Single-family residential
E: Single-family residential
S: Agricultural

REPORT

Zoning Petition No. 619, initiated by Big Timber LLC., to rezone the property located at 5900 Waldo Ave. from Township Zoning to RA-2 city zoning. There are no conditions offered by the applicant; therefore, the full contents and permitted uses within the RA-2 Single-Family Residential district must be considered.

In order to apply uniform zoning to this area, a portion of the abutting Waldo Avenue right-of-way has been included in the petition subject area.

BACKGROUND

The subject area is vacant. It is surrounded primarily by existing vacant agricultural uses and single family development; the Primrose senior living complex is currently being constructed to the southwest.

In regards to the City's Master Plan, the subject property is designated as Low Density Residential. The properties to the north, west, and east are also shown as future land use Low Density Residential. Land to the south is shown as a mix of Medium Density and Low Density Residential.

The RA Residential districts are the least intense residential designations in the zoning ordinance. The intent of these districts is to primarily provide for single family and two family detached residential development. The four RA designations all have different minimum area, density, and building placement requirements to provide different housing types to accommodate the varied needs of the population. It is further the intent of these districts to permit a limited range of uses that are related to and compatible with residential land use, and which would contribute to the richness and stability of neighborhoods. Uses that would interfere with the quality of single family residential life are prohibited in these districts.

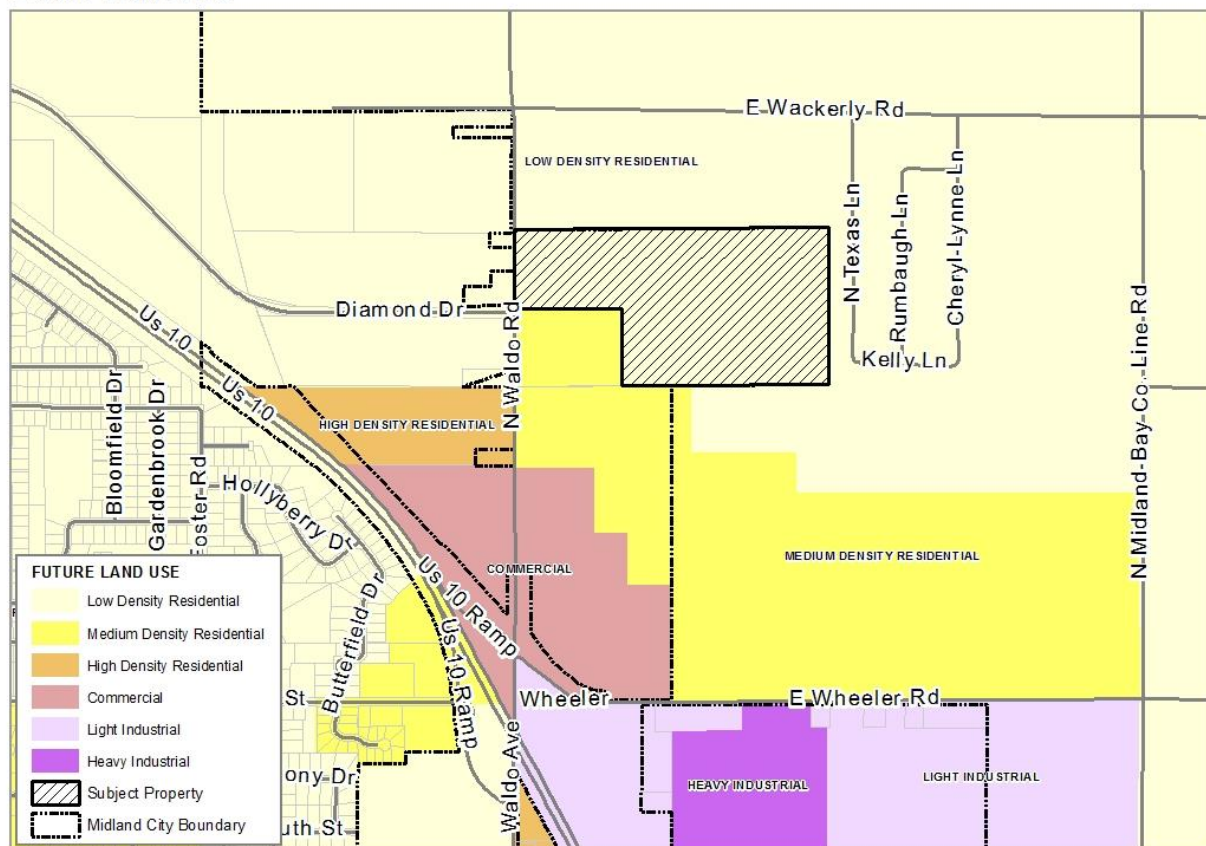
ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

1. Is the proposed amendment consistent with the City's Master Plan?

ZP #619 | Big Timber LLC

> 5900 Waldo Ave.



Yes. The Future Land Use map of the City's Master Plan identifies this property as Low Density Residential.

The Master Plan states that Low Density Residential Development in Midland should protect the vitality of existing, high-quality residential neighborhoods. In addition, areas developing as Low Density Residential that are located on naturally constrained lands should promote use of an open space clustered design to allow a reasonable number of homes while preserving the area's natural resources and creating high-quality residential development. The proposed zoning change meets the intent outlined in the Master Plan.

2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?

Yes. In staff's opinion, the proposed rezoning would promote the intent of the zoning code through reclassification of the parcel as outlined below in the City's zoning code.

Section 1.02 B INTENT

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.

3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?

The subject property, as well as surrounding properties to the south and west, were annexed into the City of Midland during 2014-15. Following annexation, it is customary for City zoning to be applied in line with the City's Master Plan. The petition is proposing a single-family residential zoning district that meets the intent of the Low Density Residential future land use designation for the property.

4. Will the amendment merely grant special privileges?

No. The proposed use of the subject parcel and those of the adjoining parcels are suitable for low and medium density housing in the future. The proposed zoning will coordinate well with existing zoning and land uses in the area.

5. Will the amendment result in unlawful exclusionary zoning?

No. The zoning amendment would continue a pattern of zoning designation that is consistent with the general pattern of development in the area and in a manner that would not be considered exclusionary.

6. Will the amendment set an inappropriate precedent?

No. The zoning petition is supported by the City's Master Plan.

7. Is the proposed zoning consistent with the zoning classification of surrounding land?

Yes. Surrounding lands exhibit a pattern of residential development and are planned for low to medium density residential designations. The proposed zoning will permit single-family dwellings, which are considered appropriate use types given surrounding one family and multiple family designations.

8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?

Yes. The current Master Plan, adopted in 2016, supports this parcel and the area in general as being appropriate for residential uses.

9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?

Yes. The parcel could meet all of the Residential A-2 zoning requirements for new developments.

10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

Yes. This zoning classification of RA-2 as proposed will be consistent with the existing and anticipated land uses in the area. Commercial and office service development is expected to continue to the south and southwest but can be planned in such a way to be consistent with medium density residential uses in this area.

STAFF RECOMMENDATION

Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- The proposed zoning is a reasonable and logical extension of existing residential zoning in the area.
- RA-2 zoning is a reasonable and appropriate zoning classification that will permit development of the subject lands for uses compatible with the adjacent existing single family residential and multiple-family residential uses scattered over properties to the north, south, and east.
- RA-2 zoning would continue the low density residential development pattern envisioned by the City of Midland Master Plan.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on February 13th and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on February 26, 2018 the City Council will set a public hearing on this matter.

Given statutory notification and publication requirements, the City Council will schedule a public hearing for March 26, 2018 at which time a decision will be made on the proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Grant Murschel".

Grant Murschel
Director of Planning & Community Development

/ad

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, FEBRUARY 13, 2018, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman Heying.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

PRESENT: Bain, Hanna, Heying, Pnacek, Koehlinger, McLaughlin and Tanzini

ABSENT: Mayville, Stamas

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development, Tony Dier, Community Development Planner, and five (5) others.

4. **Approval of Minutes**

Moved by Hanna and seconded by McLaughlin to approve the minutes of the regular meeting of January 23, 2018 with no changes. Motion passed unanimously.

5. **Public Hearing**

- a. **Site Plan No. 366-** initiated by Jerome Schafer for site plan review and approval of a 36 unit single-family residential site condominium, located at 204 Commerce Road.

Murschel presented an overview to cover the content for SP 366. The property is zoned RA-4 and 36 single family units are proposed. It is located near the intersection of Jefferson Road and Commerce Drive. The property was previously used for agricultural purposes. Clearpoint Landing is located to the west of the subject property. The site plan shows north-south and east-west streets. The north-south road is proposed as a public street from Commerce Drive to the northern edge of the property. The east-west streets will both be private streets. Stormwater management retention is located to the west of the public street north of Commerce Drive. Landscaping is not required, but additional screening is proposed along Commerce Drive and along the proposed Bartos Trail.

Staff has found the site meets zoning requirements with a few contingencies. Lots must meet the minimum lot width requirements, specifically lots 1-10 and 33-35. This can be handled administratively prior to final approval. Other administrative items will be addressed prior to final approval, including development agreements, private street collection, and emergency access connection.

Staff recommends approval of the site plan with eight (8) contingencies outlined in the staff report.

Koehlinger asked if anything has changed since the Commission packet was sent out. Murschel indicated nothing had.

One phone call inquiry was received from a property to the west of the subject parcel.

Hanna inquired about lot width deficiencies. Murschel showed on the site plan the lots that do not have enough width from a zoning standpoint. The lots are 56 feet wide and 60 feet is required.

Koehlinger asked if the lot size changes will impact the site significantly or alter the proposed street. Murschel stated he does not believe it will but that the applicant will be able to elaborate more.

Heying asked about the public road and the city's obligations, along with the dimensions. Heying also asked about the drain. Murschel confirmed the road obligations and that a county drain does not exist.

Heying opened the meeting for public comment.

Jerry Schafer, 537 Whitetail, clarified the lot widths as a mistake and said they will correct the lot sizes to meet the requirements. The detention area is oversized to allow for more open space and to allow for plantings. A previous site plan was approved six months ago, he stated, and this is less dense.

Mark Wahl, 1397 W. Linwood, stated he was involved in the first site plan. They saw a need for homes for 55+ age residents and that this development will suit that market. Bain asked about the lot widths and if there are encroachment issues. Mr. Wall said there will not be. Mr. Schafer stated some space will be lost to meet the lot sizes.

Heying opened the meeting to public comment in support or opposition. No comments in support or opposition.

Heying asked if they should waive rules. Pnacek motioned to waive the rules of procedure, Hanna seconded. Motion was approved unanimously.

Pnacek said he remembers the original duplex proposal. He believes this fits the area. McLaughlin agrees with this new layout and proposal. Heying and Hanna voiced approval as well.

It was moved by McLaughlin and seconded by Hanna to recommend approval of Site Plan No. 366 initiated by Jerome Schafer for site plan review and approval of a 36 unit single-family residential site condominium, located at 204 Commerce Road, with the following contingencies:

1. Units 1-10 and 33-35 must meet the size regulations of the RA-4 One & Two Family Residential zoning district to the satisfaction of the City Planning Department.
2. A final stormwater permit amendment must be approved by the City Engineering Department.
3. A final soil erosion and sedimentation control permit must be approved by the City Building Department.
4. Final engineering drawings and public sanitary sewer and water utility easements to the satisfaction of the City Engineering Department.
5. Final approval of the condominium Master Deed and By-Laws to the satisfaction of the City Planning Department.
6. Final approval and execution of a development agreement to the satisfaction of the City Attorney's Office, Engineering and Planning Departments.
7. Private Street Collection agreement to the satisfaction of the City Public Services Department.
8. Connection to the abutting emergency access driveway of the Redwood development site to the satisfaction of the City Fire, Planning and Engineering departments.

YEAS: Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying

NAYS: None

ABSENT: Mayville and Stamas

- b. Zoning Petition No. 618**, initiated by Mike Rapanos, to rezone a portion of the property located at 3401 E Wheeler Road from Township zoning to RC Regional Commercial zoning.

Murschel presented an overview to cover the content for ZP 618. The area is a little over 40 acres and is proposed to be rezoned RC Regional Commercial. The property is still currently zoned as Township Zoning. The stepped property shape is similar to the stepped zoning shown in the city's Master Plan. The neighboring properties are mixed between Midland Township and City properties. The Future Land Use map shows commercial zoning designations on this property and the neighboring property across N.

Waldo Rd. The properties to the south are light industrial and the properties north are residential. Murschel outlined the RC zoning district and the intent of the designation along with the permitted uses.

The proposed amendment is consistent with the City's Master Plan and Future Land Use Map. North Waldo is designated in the Master Plan as a large commercial corridor area. The amendment is in accordance with the intent of the zoning ordinance. Conditions have changed to justify this rezoning due to changes in the area.

The amendment will not grant special privileges and will not be unlawful exclusionary zoning. It will not set an inappropriate precedent and is consistent with zoning classification of the surrounding land. The proposed amendment matches the future land use designation of the surrounding land in the Master Plan. The requirements of the zoning ordinance can be met and the proposed zoning is consistent with nearby development trends.

No public comments have been received.

Staff recommends approval of the rezoning petition.

Bain asked if there are any historical reasons why the property boundaries do not match the jagged edge of the future land use map. Murschel discussed the property boundaries.

Koehlinger asked whether the properties would be adequately buffered from residential uses. Murschel said there are multiple areas in the city that illustrate the close proximity of residential and commercial areas.

Hanna asked about traffic concerns on N. Waldo. Murschel stated that traffic concerns are typically dealt with during site plan review but can be discussed now. Engineering is looking at the traffic on N. Waldo for review.

Heying opened the public meeting and asked the petitioner to step forward.

David Rapanos, 16 Pinehaven Circle, addressed the proposal.

Heying opened the meeting for public comment in support or opposition. None. Public hearing closed.

Pnacek motioned to waive the rules of procedure, Hanna seconded. Motion was approved unanimously.

Pnacek said he knows there are traffic concerns but they should be addressed in a site plan review. He believes the amendment makes sense and matched the Master Plan.

Koehlinger asked the difference between Community Commercial and Regional Commercial. Murschel discussed intensity of uses in the two districts. Koehlinger agrees with Pnacek's comments. McLaughlin agrees with the commercial zoning node concept.

It was moved by McLaughlin and seconded by Hanna to recommend approval of Zoning Petition #618 initiated by Mike Rapanos to rezone a portion of the property located at 3401 E. Wheeler Road from Township Zoning to RC Regional Commercial zoning.

YEAS:	Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying
NAYS:	None
ABSENT:	Mayville, Stamas

- c. **Zoning Petition No. 619**, initiated by Big Timber LLC., to rezone the property located at 5900 Waldo Avenue from Township zoning to RA-2 Single Family Residential zoning.

Murschel presented an overview to cover the content for ZP 619. The proposed zoning is RA-2 Single Family Residential. The area is close to the area proposed for commercial zoning in the previous zoning petition. The subject parcel is located near the Primrose development, to the north. The uses is currently agricultural and wooded area. The area is Township Zoning currently, surrounded by properties located in Midland Township. To the east is a property zoned RA-3. Primrose is zoned RB Multiple Family Residential. The subject area is shown on the Future Land Use Map as low density residential. Murschel outlined the RA-2 zoning district intent and permitted uses.

Murschel outlined the evaluation criteria. The proposal meets the intent and requirements of the Master Plan, including justification that the zoning matches changes in the area such as the annexations. Rezoning will not grant special privileges or exclusionary zoning, is consistent with the Future Land Use map, and is compatible with the surrounding land use and future zoning designations.

No public comments were received.

Staff recommends approval of the zoning petition.

Heying opened the meeting

David Rapanos, 16 Pinehaven Circle, spoke about the petition. He stated he wanted RA-2 because home prices are high and there is demand. The reduced lot sizes in the zoning district allow for more affordability. He stated he is prepared to submit a subdivision plan. He stated he believes they need a stoplight at Diamond Drive. He is concerned about the traffic on N. Waldo, especially with the new Primrose development.

Bain asked about large equipment nearby. Mr. Rapanos stated it is Primrose's equipment.

Heying opened the meeting for public comment in support and opposition. There were none. Public hearing closed.

Pnacek motioned to waive the rules of procedure, Hanna seconded. Motion was approved unanimously. Bain stated this rezoning seems straightforward.

McLaughlin said the traffic concerns are worth considering, and asked Murschel his thoughts on what the Engineering Department would think. Murschel spoke about an access management report that was done. He said he'd forward on the concerns to the Engineering Department. Bain agreed that people push the speed limit in the N. Waldo area.

Hanna said she is concerned about the school bus in this area. She believes this should be a priority to the Engineering Department. She also believes the road is too narrow. Pnacek stated he believes a study is needed and should be a start. Hanna disagreed and questioned how many times the road needs to be studied.

It was moved by McLaughlin and seconded by Hanna to recommend approval of Zoning Petition No. 619, initiated by Big Timber LLC., to rezone the property located at 5900 Waldo Avenue from Township zoning to RA-2 Single Family Residential zoning.

YEAS:	Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying
NAYS:	None
ABSENT:	Mayville, Stamas

6. Old Business

None

7. Public Comments (unrelated to items on the agenda)

None

8. New Business

a. 2018 Master Plan Update – Areas of Consideration

Murschel gave a presentation outlining the staff proposal for a possible 2018 Master Plan Update. The proposed update would focus on Chapter 5 specifically, the Future Land Use section of the Plan. Other areas will most likely not be revisited this time around, but will most likely be reviewed in the next few years. There are five areas included as foci for the Future Land Use analysis. Murschel outlined the phases of the project, public input portions, and a schedule of work. Discussion occurred between Mr. Murschel and the Commissioners on the subareas outlined in the presentation.

Subareas for Review:

- Waldo & Bay City Road Corridors
- Sandow Road & Isabella Street (M20)
- Downtown, Midtown & Former 4D Property
- North Business Area (North Jefferson, Eastman – Joe Mann – US-10 Area)
- Center City Area

Motion by Bain, seconded by Hanna, to have staff initiate a notice of intent to plan to being the 2018 Master Plan review process. Motion passed unanimously.

9. Communications

Planning & Zoning Training workshop brochure.

Planning & Zoning News monthly magazine.

10. Report of the Chairperson

Commissioner Heying addressed his abstention from the last meeting's rezoning proposal. He mentioned he was not within the rules of procedure to do that and wanted to address the issue.

11. Report of the Planning Director

Murschel discussed the rezoning petition scheduled for City Council.

12. Items for Next Agenda – February 13, 2018

- a. Site Plan No. 367** – initiated by Moltus Building Group for site plan review and approval of a warehouse facility located at 1926, 2100 and 2120 James Savage Road.

It was motioned by Hanna and seconded by Pnacek to adjourn at 8:45 p.m. Motion passed unanimously.

Respectfully submitted,

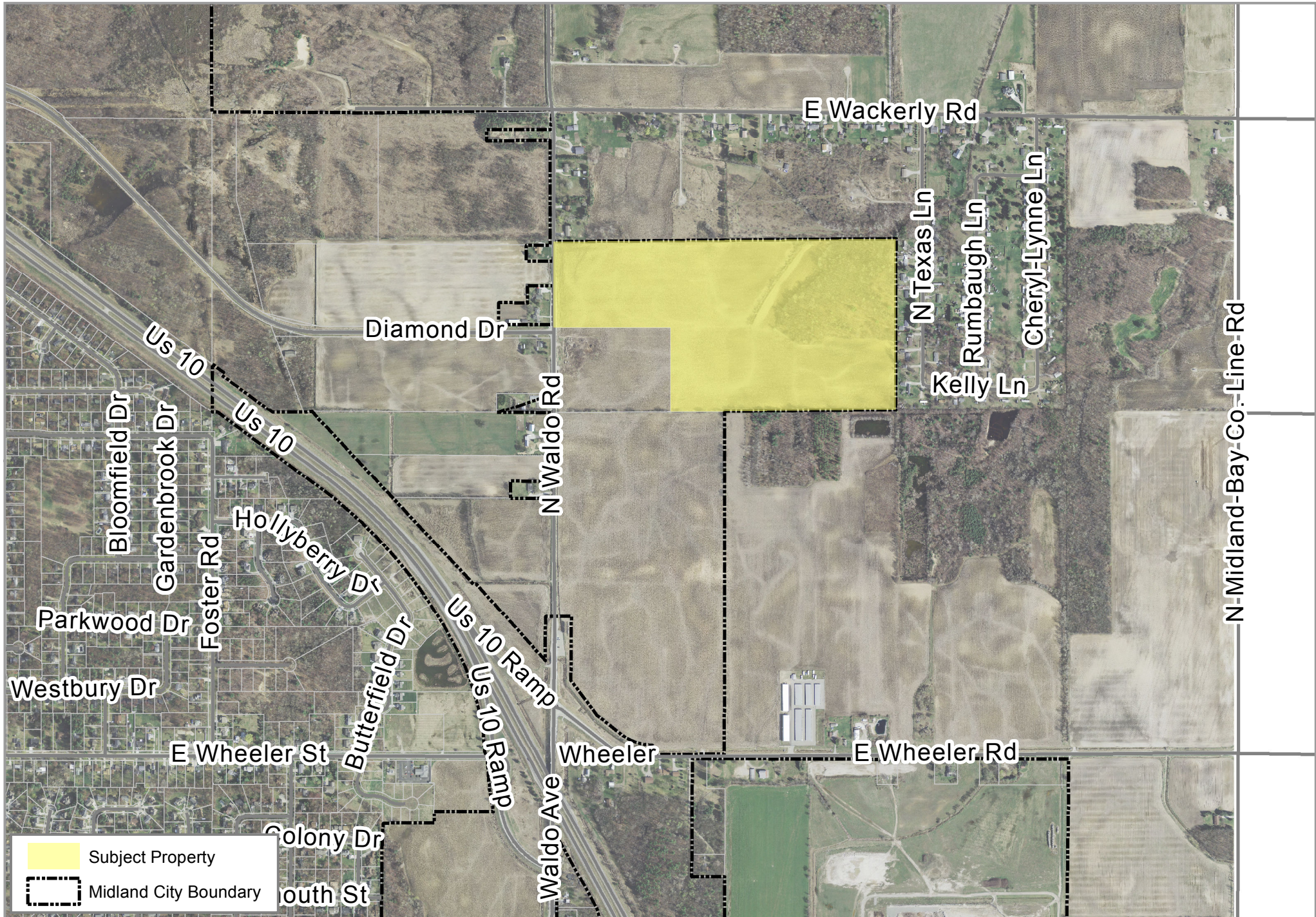


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

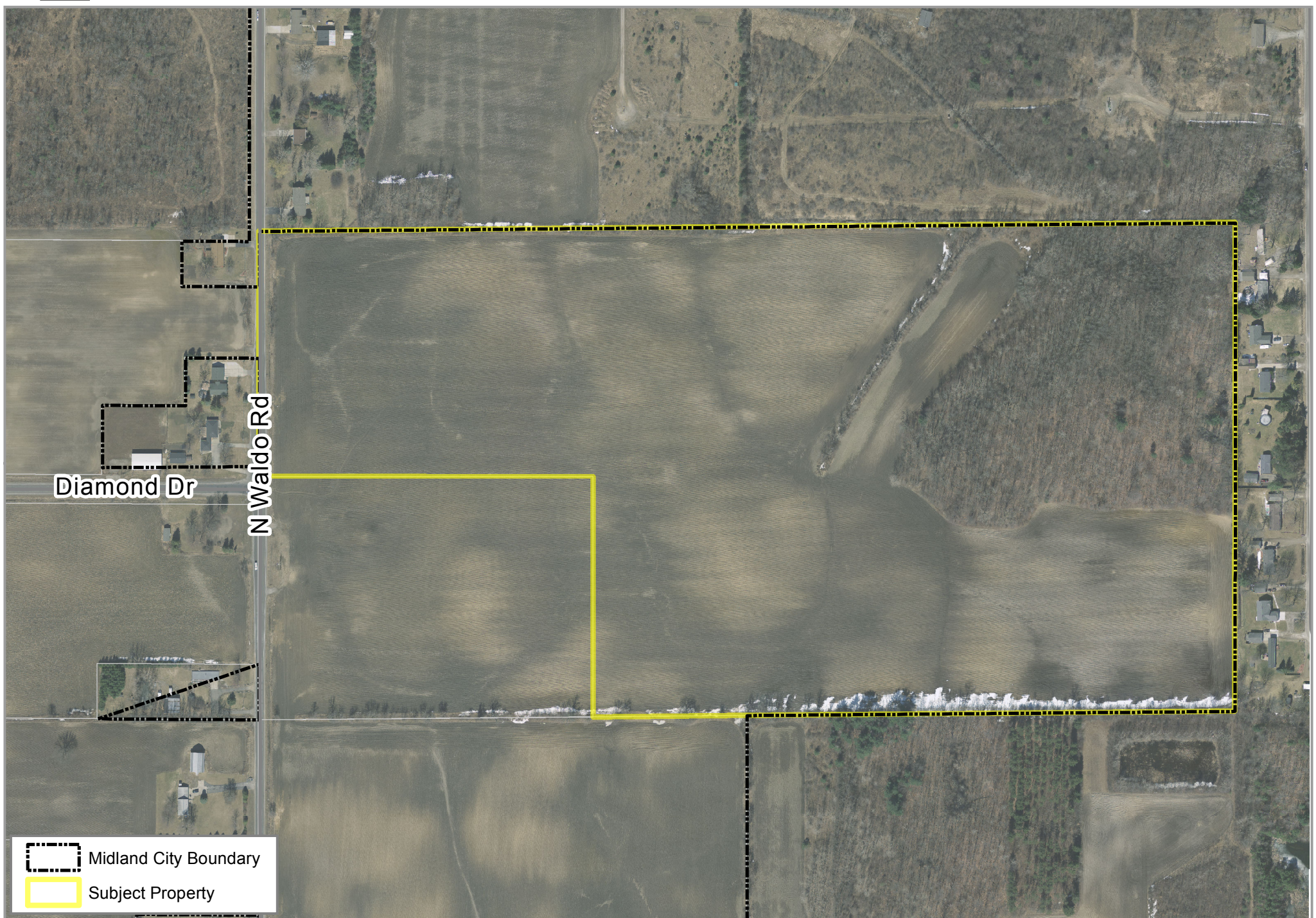
ZP #619 | Big Timber LLC


> 51 Waldo Ave.




ZP #619 | Big Timber LLC

> 52 Waldo Ave.

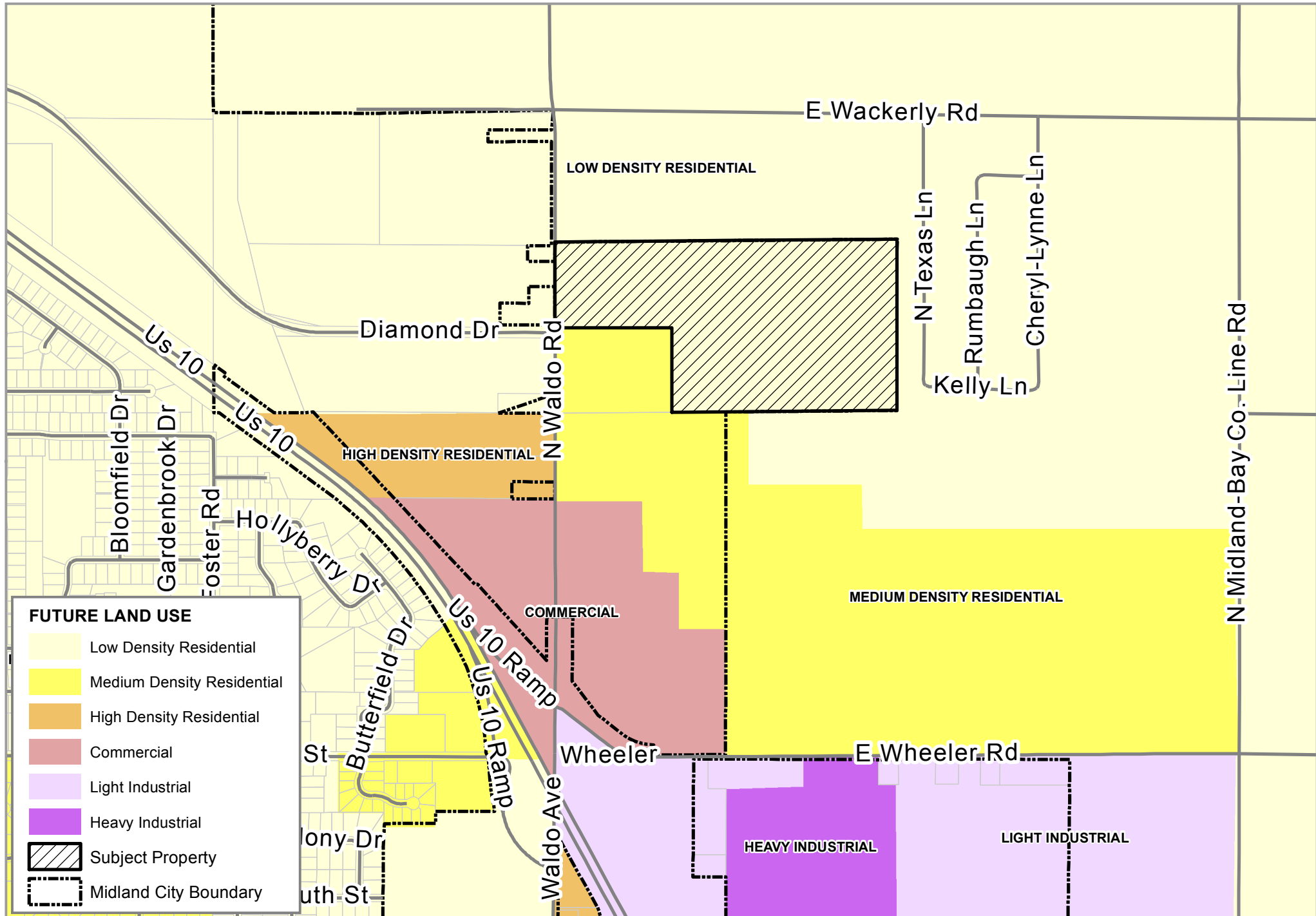


 Midland City Boundary

 Subject Property

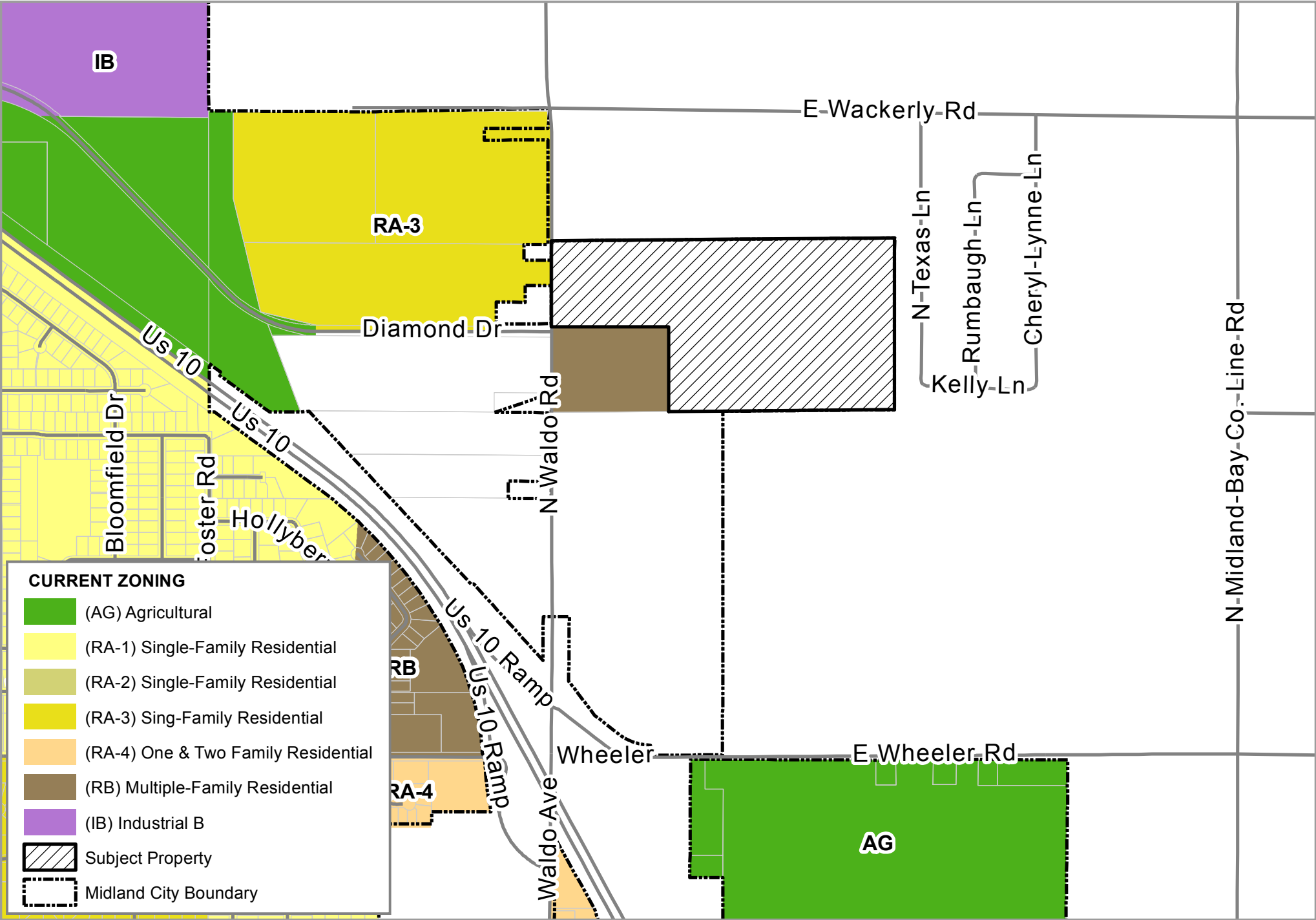
ZP #619 | Big Timber LLC

> 53 Waldo Ave.



ZP #619 | Big Timber LLC

> 54 Waldo Ave.



SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Zoning Petition No. 619

PETITIONER: Big Timber, LLC

RESOLUTION

SUMMARY: Action to amend the City of Midland zoning map by rezoning the property located at 5900 Waldo Ave. from Township Zoning to RA-2 Single-Family Residential zoning.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Ordinance
3. Staff Report to Planning Commission
4. Planning Commission minutes
5. Location maps

CITY COUNCIL ACTION:

1. Public hearing is required.
2. 3/5 vote required.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, February 13, 2018, the Planning Commission considered Zoning Petition No. 619 initiated by Big Timber, LLC., to rezone the property located at 5900 Waldo Avenue from Township zoning to RA-2 Single Family Residential zoning.

After deliberation on the petition, the Planning Commission took the following action:

It was moved and seconded to recommend approval of Zoning Petition No. 619, initiated by Big Timber, LLC., to rezone the property located at 5900 Waldo Avenue from Township zoning to RA-2 Single Family Residential zoning

Vote on the motion:

YEAS: Bain, Koehlinger, Hanna, Pnacek, McLaughlin, Tanzini and Heying

NAYS: None

ABSENT: Mayville, Stamas

The motion was approved 7 to 0.

On February 26, 2018, the City Council set a public hearing for March 26, 2018 at 7:00 p.m. to consider Zoning Petition No. 619. A resolution approving the petition is now presented for City Council consideration following the conclusion of the public hearing.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, BY AMENDING THE ZONING MAP TO PROVIDE A RA-2 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT WHERE A TOWNSHIP ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

A PARCEL OF LAND SITUATED IN THE CITY OF MIDLAND, MORE PARTICULARLY DESCRIBED AS FOLLOWS: S 1/2 OF FRL NW 1/4, EXC BEG AT W 1/4 COR OF SEC 1, TH N 650 FT, E 900 FT, S 650 FT, W 900 FT TO POB, 66.57 AC, SEC 01, T14N-R2E

Be, and the same is hereby changed to RA-2 Single Family Residential zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a _____ yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

7. Supporting a grant application to the Land and Water Conservation Fund for the construction of a new ADA-accessible pickle ball and tennis court facility at Central Park. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Support for a grant application to the Land and Water Conservation Fund for the construction of a new ADA-accessible pickle ball and tennis court facility in Central Park

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution authorizes a grant application to be submitted to the Land and Water Conservation Fund for \$115,000 toward a project to construct a new ADA-accessible pickle ball and tennis court facility in Central Park.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Central Park Master Plan
3. Site Development Plan
4. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The existing tennis court facility at Central Park is over 45 years old and is not ADA-accessible. The base material is crumbling, causing the court surface to become cracked and uneven. The courts are regularly used by a group of approximately 70 pickle ball players. This group approached the City in 2014 about the deteriorating condition of the courts and inquired about a plan to improve the courts. The City brought in multiple tennis court contractors to evaluate the courts, and had core samples taken of the court surface and substrate. All reviews indicated that the existing courts are beyond repair at this point.

With recent improvements taking place in Central Park and the presence of the new elementary school in the neighborhood, I felt it was worth looking at the overall park design before seeking funding for a new outdoor court facility. As such, park designer Pam Blough was brought in to evaluate the park and propose a new master plan for the entirety of Central Park. Park neighbors and other interested parties were invited to a meeting to provide input on the plan with over 20 participants involved in the process. The resulting plan includes a handful of proposed development projects, including the construction of a new ADA-accessible outdoor court facility with one tennis court and six pickle ball courts, along with room for future expansion of the courts if needed. The creation of a master plan for future development at Central Park, as well as evaluating the outdoor tennis and pickle ball courts, were both included in the 2015-2019 Parks & Recreation Master Plan as proposed action items, further showing support for the project.

The new proposed courts will be located in the south end of the park adjacent to the Midland Community Center (MCC). This will allow participants to park in the existing parking lots behind MCC for easy access to the courts. Proximity to MCC will also allow players to access indoor facilities and locker rooms if so desired. The new court design includes an asphalt surface and a 10' tall perimeter fence to keep play contained to the court area. The layout includes a concrete practice wall in addition to the six pickle ball courts and one tennis court. The courts will be connected to the adjacent existing parking lots with ADA-accessible paved pathways, making the courts ADA-accessible. The internal layout of the courts and internal fencing will also meet ADA requirements.

The proposed conceptual court design is estimated to cost \$230,000, and staff has been seeking grant funds to support the project. The main grant request will be for \$115,000 from the Land and Water Conservation Fund (LWCF) through the Michigan Department of Natural Resources.

C. Bradley Kaye
 March 21, 2018
 Page Two

This grant requires an exact 50% local match, which staff are working on securing from local sources. The proposed project budget is as follows:

Central Park Pickleball and Tennis Facility – City of Midland			Conceptual Estimate 4/1/17	
ESTIMATED PROJECT EXPENSE				
Item	Quantity	Unit	Unit Price	Item Price
Grading	1	Lump Sum	\$7,500.00	\$7,500.00
Agg & Asphalt	2134	Square Yard	\$40.00	\$85,360.00
Coating & Striping	2144	Square Yard	\$6.25	\$13,400.00
Fencing 10' vinyl chain link	560	Lineal Feet	\$65.00	\$36,400.00
Fencing 4' vinyl chain link (internal)	460	Lineal Feet	\$35.00	\$16,100.00
Gates	2	Each	\$1,000.00	\$2,000.00
Poles & Nets including Install	7	Sets	\$2,000.00	\$14,000.00
Restoration at New Courts	1	Lump Sum	\$5,000.00	\$5,000.00
Connecting Walkways to Parking	1800	Square Feet	\$6.00	\$10,800.00
Mesh for Grass Clippings on Fence	560	Lineal Feet	\$7.50	\$4,200.00
Practice Wall	1	Each	\$4,000.00	\$4,000.00
Additional Gates in Fence	2	Each	\$1,000.00	\$2,000.00
Subtotal for New 6 Pickleball and 1 Tennis Courts (120' x 160' Court Surface)				\$200,760.00
	Project Contingency 5%			\$10,038.00
	Project Design & Admin Allowance 10%			\$20,076.00
	Conceptual Estimate Total			\$230,874.00
PROPOSED PROJECT INCOME				
Funding source	Status of Funds		Amount Requested	
Michigan DNR Land & Water Grant	Grant App due 4/1/18		\$115,000.00	
Midland Area Community Foundation	Grant awarded		\$40,000.00	
Private Donors - MACF project fund	In process		\$30,000.00	
Alden & Vada Dow Foundation	Application submitted		\$10,000.00	
Michigan Baseball Foundation	Application submitted		\$5,000.00	
Consumers Energy	Application submitted		\$5,000.00	
City Parks & Recreation Budget	Funds in 18/19 capital budget		\$25,000.00	
Total Proposed Project Income				\$230,000.00

C. Bradley Kaye
March 21, 2018
Page Three

The Land and Water Conservation Fund grant application guidelines require the following criteria be met:

1. An exact 50% local match be secured by October 1, 2018
2. A motion of support be rendered by the local Parks and Recreation Commission
3. A public hearing be conducted to receive public input regarding the proposed project
4. City Council pass a formal resolution of support for the project

In order to apply for a LWCF grant, a public hearing must be held locally to allow residents and neighbors to voice opinions on the proposed project. The Parks and Recreation Commission unanimously supported applying for the grant at their March 6 meeting, and City Council set a public hearing for March 26 to accept public comment on the project as well. I would ask that after receiving public comment, the City Council would approve the attached resolution of support for the 2018 grant application to the Land and Water Conservation Fund for the construction of a new ADA-accessible pickle ball and tennis court facility in Central Park.

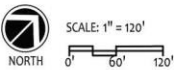
Sincerely,



Karen Murphy
Department of Public Services

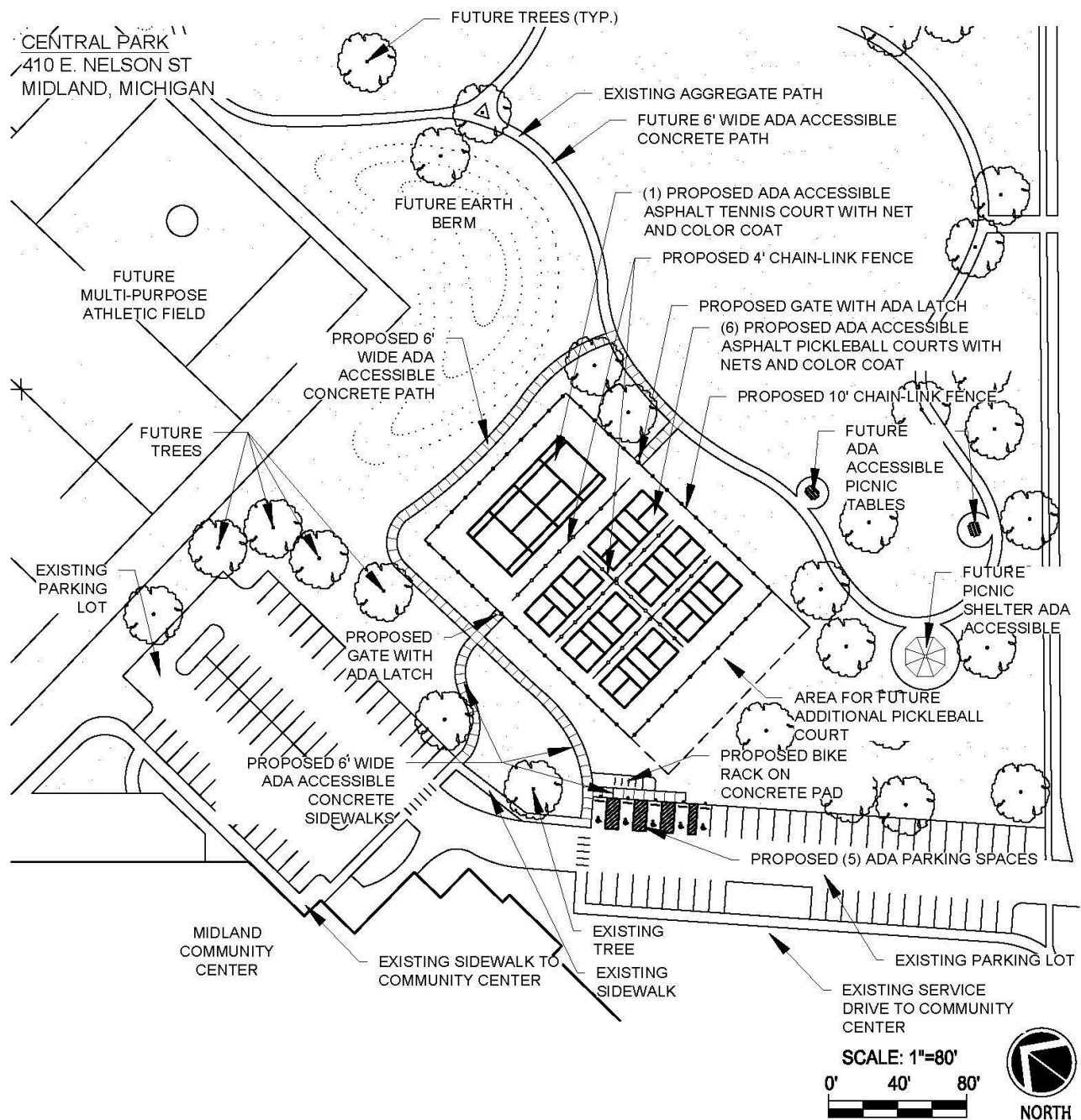


JANUARY 27, 2017



PMB
PM Blough, Inc

Central Park Master Plan. The current courts are located behind Kings Daughters where the proposed multi-generational playground is shown on the above master plan.



CENTRAL PARK PICKLE BALL AND TENNIS COURT FACILITY CITY OF MIDLAND



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BY COUNCILMAN

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, March 26, 2018, on the proposal to submit a grant application to the Land and Water Conservation Fund for \$115,000 to support the construction of a new ADA-accessible pickle ball and tennis court facility in Central Park; and

WHEREAS, the proposed application is supported by the Community’s 5-year Approved Parks and Recreation Master Plan; and

WHEREAS, Parks and Recreation staff have a funding plan to secure the required local matching funds of \$115,000 to support the grant application, in cash and/or force account; and

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Midland Area Community Foundation grant	\$40,000
Pickle Ball User Group Cash Donations	\$30,000
City of Midland Parks Capital Budget	\$25,000
Pending grant applications to local foundations	\$20,000
Total	\$115,000

WHEREAS, the Parks and Recreation Commission voted unanimously at their March 6 meeting recommending support of the grant application and the future project; now therefore

RESOLVED, that the City Council hereby supports the submission of an application titled, “Central Park Accessible Pickle Ball & Tennis Court Facility” to the Land and Water Conservation Fund for the development of an ADA-accessible outdoor pickle ball and tennis court facility in Central Park; and

RESOLVED FURTHER, that the local match through financial commitment and donations of \$115,000 will be made available to the project during the FY 2018-19 fiscal year.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

8. Supporting a grant application to the Michigan Natural Resources Trust Fund for Phase II of the riverfront renovation project in upper Emerson Park. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Support of a grant application to the Michigan Natural Resources Trust Fund for Phase II of the riverfront renovation project in upper Emerson Park

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution authorizes a grant application to be submitted to the Michigan Natural Resources Trust Fund for \$247,500 to support the second Phase of the upper Emerson Park riverfront renovation project.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Site Development Plan
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The City received a Michigan Natural Resources Trust Fund grant in 2017 for the first phase of a project to renovate the riverfront along upper Emerson Park. Renovations will include converting the old water intake pump house into a river overlook, installing a section of boardwalk along the river, creating an ADA-accessible parking lot, connecting the site to the Rail Trail, installing an ADA-accessible fishing dock and a floating dock for boaters to access the site from the river. These improvements will be made in the 2018 construction season with the total cost estimated at \$405,000.

Phase II of the project involves the following renovations:

- Replacing the existing vehicle barrier guard railing along the seawall with compliant pedestrian hand railing
- Removing the remaining section of the old Emerson Park roadway to return the area to a pedestrian green space
- Removing the vehicular bridge over the confluence of Sturgeon Creek and the Tittabawassee River
- Creating a second ADA-accessible pathway to the Pere Marquette Rail Trail, which will tie in with the 2018 improvements by allowing trail users to leave the trail on either end of the renovations, enjoy the riverfront, and then return to the trail at the other end of the project
- Providing overlooks for fishing areas where the creek and river converge
- Creating ADA-accessible seating and picnic areas along the project
- Converting the existing sidewalk that runs along the seawall into ADA-accessible pathways
- Removing invasive vegetation from the riverbank to open up vistas and allow for reintroduction of native plant species

The estimated cost of this phase of the project is approximately \$330,000 and staff has begun seeking grant funds to support the project. The funding plan includes requesting \$247,500 from the Michigan Natural Resources Trust Fund (MNRTF) while providing the required 25% match from the City's Local Street Fund and the Parks Capital Project Fund. Local Street funding in the amount of \$50,000 in the proposed FY 2018/19 budget will cover the costs for removal of the vehicle bridge and the existing roadway. The remaining match of \$32,500 will be taken from

C. Bradley Kaye
 March 21, 2018
 Page Two

the FY 2018/19 Parks Capital Project Fund and will be used for removing invasive vegetation along the riverfront as well as covering other miscellaneous costs related to the project.

Upper Emerson Park Phase II – City of Midland				Conceptual Estimate 3/19/18	
ESTIMATED PROJECT EXPENSE					
Item	Quantity	Units	Unit Cost	Item Cost	Plus 10% Contingency
Soil Erosion & Sed. Control Measures	1	Lump Sum	\$ 3,500	\$ 3,500	\$ 3,850
Tree and Brush Removal	1	Lump Sum	\$ 2,500	\$ 2,500	\$ 2,750
Remove Road Surface & Roadbed to existing turnaround	1	Lump Sum	\$ 10,000	\$ 10,000	\$ 11,000
Vehicular Bridge Removal	1	Lump Sum	\$ 50,000	\$ 50,000	\$ 55,000
Topsoil Replacement for Roadbed	1	Lump Sum	\$ 15,000	\$ 15,000	\$ 16,500
Site Grading	1	Lump Sum	\$ 15,000	\$ 15,000	\$ 16,500
6' Concrete Riverside Path (250 LF)	1500	Square Feet	\$ 8	\$ 12,000	\$ 13,200
10' Concrete Promenade at Seawall (175 LF)	2250	Square Feet	\$ 10	\$ 22,500	\$ 24,750
(2) 6' Concrete Walk to Overlooks (105 LF)	630	Square Feet	\$ 8	\$ 5,040	\$ 5,544
(2) 8' Accessible Walk from Pere Marquette Trail to Plaza	1400	Square Feet	\$ 8	\$ 11,200	\$ 12,320
(2) 15' entry Landings at Pere Marquette Trail	300	Square Feet	\$ 8	\$ 2,400	\$ 2,640
(2) 20' Concrete Overlooks	650	Square Feet	\$ 8	\$ 5,200	\$ 5,720
Ledge Stone Retaining Walls at Accessible Walks	500	Lump Sum	\$ 50	\$ 25,000	\$ 27,500
Grading and Restoration at Seawall	1	Lump Sum	\$ 4,000	\$ 4,000	\$ 4,400
New Railing at Seawall	310	Lineal Feet	\$ 75	\$ 23,250	\$ 25,575
Additional Site Furniture (Swings, Trash Rec, etc.)	1	Allowance	\$ 15,000	\$ 15,000	\$ 16,500
New Plantings	1	Lump Sum	\$ 21,750	\$ 21,750	\$ 23,925
Lawn and Roadbed Naturalization	1	Lump Sum	\$ 9,500	\$ 9,500	\$ 10,450
Plaque, Interpretive and Misc. Signage	1	Lump Sum	\$ 7,500	\$ 7,500	\$ 8,250
Permits	1	Lump Sum	\$ 500	\$ 500	\$ 550
Subtotal				\$ 260,840	\$ 286,924
Subtotal including 10% Contingency					\$ 286,924
15% Design and Administration Allowance					\$ 43,038
Total Opinion of Probable Construction Cost					\$ 329,962
PROPOSED PROJECT INCOME					
Funding Source				Amount Requested	
Michigan Natural Resources Trust Fund Grant				\$ 247,500	
FY 2018/19 City of Midland Local Street Fund				\$ 50,000	
FY 2018/19 City of Midland Parks Capital Project Fund				\$ 32,500	
Total Proposed Project Income					\$ 330,000

C. Bradley Kaye
March 21, 2018
Page Three

The Michigan Natural Resources Trust Fund grant application guidelines require the following criteria be met:

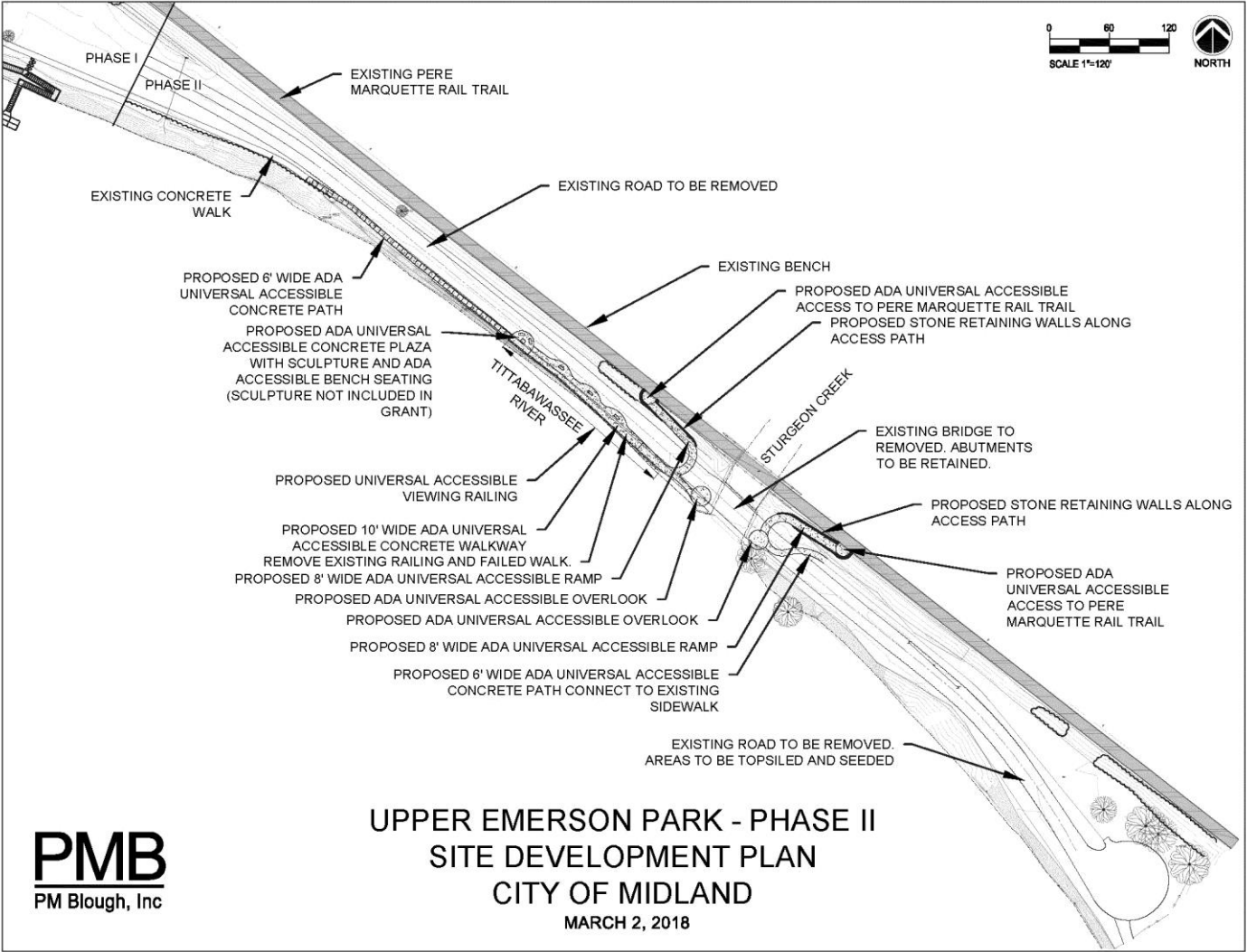
1. A minimum 25% local match be secured
2. A motion of support be rendered by the local Parks and Recreation Commission
3. A public hearing be conducted to receive public input regarding the proposed project
4. City Council pass a formal resolution of support for the project

The Parks and Recreation Commission unanimously supported applying for the grant at their March 6 meeting, and City Council set a public hearing for March 26 to accept public comment on the project as well. I would ask that after receiving public comment, the City Council would approve the attached resolution of support for the 2018 grant application to the MNRTF.

Sincerely,



Karen Murphy
Department of Public Services





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BY COUNCILMAN

WHEREAS, in accord with Sections 5.11, 11.4, and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, March 26, 2018, on the proposal to submit a grant application to the Michigan Natural Resources Trust Fund for \$247,500 to support Phase II of the riverfront renovation project in upper Emerson Park; and

WHEREAS, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan; and

WHEREAS, Parks and Recreation staff have identified adequate local matching funds totaling 25% of the project cost from the City's budget to support the grant application, consisting of \$50,000 from the FY 2018/19 Local Street budget along with \$32,500 in the FY 2018/19 Parks Capital project budget to be designated for the project; and

WHEREAS, the Parks and Recreation Commission voted unanimously at their March 6 meeting recommending support of the grant application and the future project; now therefore

RESOLVED, that the City Council hereby supports the submission of a grant application titled, "Upper Emerson Park Riverfront Walkway and Seawall Renovation", to the Michigan Natural Resources Trust Fund for \$247,500, with the aforementioned local match amount of \$82,500 (25%) of the total \$330,000 project cost reserved specifically for use toward the project during the FY 2018/19 year.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

9. First reading to an ordinance to Amend Sections 2-15 through 2-18 and 2-22 through 2-26 of Article II, Chapter 2 of the Code of Ordinances - Purchases, Contracts, Sales. ERRER

SUMMARY REPORT TO MANAGER
For City Council Meeting of March 26, 2018

SUBJECT: City purchasing ordinance

INITIATED BY: Ashley Errer, Senior Procurement Accountant

RESOLUTION

SUMMARY: This action gives first reading of an ordinance to amend Sections 2-15, 2-16, 2-17, 2-18, 2-22, 2-23, 2-24, 2-25 and 2-26 of Article II, Chapter 2 of the Code of Ordinances – Purchases, Contracts, Sales

ITEMS ATTACHED:

1. Letter of Transmittal
2. Ordinance

CITY COUNCIL ACTION:

1. 3/5 vote required to give first reading to ordinance



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan 48640

Dear Mr. Kaye:

More than 23 years ago, on September 26, 1994, City Council adopted Sections 2-15 through Sec. 2-18 into the Midland Code of Ordinances. These Sections concern purchasing thresholds, requirements for competitive pricing, and requirements for City Council approval. Generally, limits of \$3,000, \$10,000, and \$20,000 were established to require increased levels of competitive pricing and authorization. While these limits have served the City well for the last 23 years, the relative intent of the monetary limits as set back in 1994 has become somewhat outdated. The highest limit of \$20,000 would equate to about \$33,000 today after applying inflation.

The proposed changes to the City's Code of Ordinances, as it relates to purchasing, would maintain the same philosophy as when it was set back in 1994, but would increase the monetary thresholds to better represent the value of a dollar in today's world. The specific recommendations are outlined in the table on the next page.

At the same time that the above-mentioned Sections were adopted, Sections 2-22 through 2-24 and 2-26 were also adopted and involve the sale of personal property as well as the advertising for sealed proposals. Generally, \$20,000 was set for the limit in which the City Manager could approve the sale of personal property without seeking City Council approval. For the same reasons expressed in the previous paragraph, the proposed ordinance change would increase this limit from \$20,000 to \$50,000.

Currently, Section 2-25 refers to the sale of real property and reads "Real property shall be sold or traded in the same manner as set forth in Section 2-23..." As Section 2-23 is part of the proposed changes outlined below, it is necessary to update the language as outlined in Section 2-25.

Section 2-24 recognizes public auctions as an appropriate means for obtaining competitive sell prices on personal property. With the advent of on-line auctions, the City can reach more people and secure much better sell prices for its personal property,

than before. Therefore, the proposed changes include adding governmental auctions to this ordinance.

The table below summarizes the proposed substantive ordinance changes.

Section Number	Description	Existing	Proposed
PURCHASES AND CONTRACTS			
2-15*	Written competitive bids not required. No Council approval required	\$3,000 or less	\$3,500 or less
2-16	Written competitive bids required. No Council approval required.	Between \$3,001 and \$10,000	Between \$3,501 and \$15,000
2-17**	Advertising for sealed bids required. No Council approval required.	Between \$10,001 and \$20,000	3 or more received and bid is \$15,001 - \$50,000
2-17**	Advertising for sealed bids required. Council approval required	Between \$10,001 and \$20,000	Less than 3 bids received and bid is >\$30,000
2-18	Advertising for sealed bids required. Council approval required.	Above \$20,000	Above \$50,000
SALE OF PERSONAL PROPERTY			
2-22	Competitive quotes required. No Council approval required.	\$20,000 or less	\$50,000 or less
2-23	Advertising for sealed bids required. Council approval required.	Over \$20,000	Over \$50,000
2-24	Sale at public auction. City Manager approval required.	Public Auction	Public or governmental auction
2-26	Advertising for sealed bids	At least once in the local paper	Local paper, city website, or other widely read websites

* The City participates in federally-funded programs which require this lower limit be capped at \$3,500, with future increases limited by federal guidelines, but not to exceed \$5,000.

**If 3 or more bids are received, the City Manager, or his designee, has the authorization to approve bids up to \$50,000. If less than 3 bids are received and the bid exceeds \$30,000, City Council approval is required.

If the City Council is satisfied with the attached ordinance amendments, the appropriate action would be to introduce and give first reading of the amendments. Second reading of the amendments are planned for April 9, 2018, to be effective upon publication.

If you have any questions concerning the proposed amendments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ashley Errer". The signature is fluid and cursive, with the first name "Ashley" and the last name "Errer" clearly distinguishable.

Ashley L. Errer
Senior Procurement Accountant

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY AMENDING SECTIONS 2-15 THROUGH 2-18 AND SECTIONS 2-22 THROUGH 2-26 OF ARTICLE II OF CHAPTER 2 THEREOF.

The City of Midland Ordains:

Section 1. Sections 2-15 through 2-18 and Sections 2-22 through 2-26 of Article II of Chapter 2 are hereby amended to read as follows:

Sec. 2-15. City manager's duty--~~Purchases, contracts under three thousand dollars.~~ MICRO PURCHASES.

The city manager, subject to budgetary appropriations, is authorized to make purchases and contracts in an amount not to exceed three thousand FIVE HUNDRED dollars (~~\$3,000.00~~-\$3,500.00) without further approval of the city council. THIS LIMIT WILL BE SUBJECT TO CHANGE BASED ON THE FEDERAL GUIDELINES NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00). Such purchases or contracts may be made either with or without soliciting competitive prices, depending upon the judgment of the city manager.

Sec. 2-16. Same--~~Purchases, contracts between three thousand dollars and ten thousand dollars.~~ SMALL PURCHASES.

The city manager, subject to budgetary appropriations, is authorized to make purchases and contracts in an amount estimated to exceed THE MICRO PURCHASE AMOUNT ~~three thousand dollars (\$3,000.00)~~ but not to exceed ~~ten~~ FIFTEEN thousand dollars (~~\$10,000.00~~-\$15,000.00) without further approval of the city council. Such purchases or contracts shall require that the city manager solicit written price quotations. This provision shall not apply on purchases or contracts where, in the opinion of the city manager, written price quotations are impractical.

Sec. 2-17. Same--~~Purchase, contracts between ten thousand dollars and twenty thousand dollars.~~ SEALED BID PURCHASES.

The city manager, subject to budgetary appropriations, is authorized to make purchases and contracts in an amount estimated to exceed THE SMALL PURCHASE LIMIT ~~ten thousand dollars (\$10,000.00)~~ but not to exceed ~~twenty~~ FIFTY thousand dollars (~~\$20,000.00~~ \$50,000.00), IF THERE ARE AT LEAST THREE (3) SEALED BIDS RECEIVED, without further approval of the city council. IN THE INSTANCE THAT THERE ARE LESS THAN THREE (3) SEALED BIDS RECEIVED AND THE DOLLAR AMOUNT EXCEEDS THIRTY THOUSAND DOLLARS (\$30,000.00) CITY COUNCIL APPROVAL IS REQUIRED. Such purchases or contracts shall require that the city manager advertise for sealed proposals. This provision shall not apply on purchases or contracts where, in the opinion of the city manager, sealed proposals are

impractical.

Sec. 2-18. Same--Purchases, contracts above twenty thousand dollars. CONTRACTS ABOVE FIFTY THOUSAND DOLLARS.

Purchases or contracts estimated to exceed ~~twenty~~ FIFTY thousand dollars (~~\$20,000.00~~ \$50,000.00) shall require that the city manager advertise for sealed proposals. The award shall be made by official action of the city council. This provision shall not apply on purchases or contracts where, in the opinion of the city council as expressed by a four-fifths (4/5) vote, sealed proposals are impractical.

Sec. 2-22. Sale by city manager--Personal property valued under ~~twenty~~ FIFTY thousand dollars.

Personal property not exceeding ~~twenty~~ FIFTY thousand dollars (~~\$20,000.00~~ \$50,000.00) may be sold for cash by the city manager after receiving competitive quotations therefor, for the best price obtainable unless it is determined by the city manager that competitive quotations are impractical or unwarranted, or may be traded to the vendor for new equipment replacing it. Personal property purchased in whole or in part for resale by the city is exempt from this section provided that city costs are fully recovered.

Sec. 2-23. Same--Personal property valued in excess of ~~twenty~~ FIFTY thousand dollars.

The sale or trade of personal property with a value in excess of ~~twenty~~ FIFTY thousand dollars (~~\$20,000.00~~ \$50,000.00) shall be determined by official action of the city council prior to advertising for sealed proposals. The sale or trade of personal property with a value in excess of ~~twenty~~ FIFTY thousand dollars (~~\$20,000.00~~ \$50,000.00) shall be awarded by official action of the city council on the basis of sealed proposals unless, by a four-fifths (4/5) vote of the council, sealed proposals are deemed impractical or unwarranted. Personal property purchased in whole or in part for resale by the city is exempt from this section provided that city costs are fully recovered.

Sec. 2-24. Sale of personal property at auction.

In addition to the procedure set forth in this article for the sale of personal property, the council may authorize the sale of personal property at public OR GOVERNMENTAL AUCTIONS. ~~auction.~~

Sec. 2-25. Real property.

Real property NOT EXCEEDING TWENTY THOUSAND DOLLARS (\$20,000.00) MAY BE SOLD FOR CASH BY THE CITY MANAGER AFTER RECEIVING COMPETITIVE QUOTATIONS THEREFOR, FOR THE BEST PRICE OBTAINABLE UNLESS IT IS DETERMINED BY THE CITY MANAGER THAT

QUOTATIONS ARE IMPRACTICAL OR UNWARRANTED. ~~shall be sold or traded in the same manner as set forth in section 2-23 above, unless the council, by a four-fifths (4/5) vote, shall determine that it is clearly to the city's advantage to sell such property without competitive bid.~~

THE SALE OR TRADE OF REAL PROPERTY WITH A VALUE IN EXCESS OF TWENTY THOUSAND DOLLARS (\$20,000.00) SHALL BE DETERMINED BY OFFICIAL ACTION OF THE CITY COUNCIL PRIOR TO ADVERTISING FOR SEALED PROPOSALS. THE SALE OR TRADE OF REAL PROPERTY WITH A VALUE IN EXCESS OF TWENTY THOUSAND DOLLARS (\$20,000.00) SHALL BE AWARDED BY OFFICIAL ACTION OF THE CITY COUNCIL ON THE BASIS OF SEALED PROPOSALS UNLESS, BY A FOUR-FIFTHS (4/5) VOTE OF THE COUNCIL, SEALED PROPOSALS ARE DEEMED IMPRACTICAL OR UNWARRANTED.

Sec. 2-26. Advertising for sealed proposals.

In advertising for sealed proposals, at least one publication shall be made ~~in the local paper.~~ SUCH NOTICE MAY INCLUDE PUBLICATION IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION, CITY WEBSITE OR OTHER WIDELY READ WEBSITE FOR SOLICITATIONS. Such advertisements shall reserve the right of the city to reject any or all bids, or waive any irregularities therein.

Section 2. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

10. * Site Plan No. 368 - petition from OHM Advisors on behalf of Dow Gardens for site plan review and approval of a maintenance parking lot with new access onto W. St. Andrews located at 1907 W. St. Andrews Road. MURSCHEL

SUMMARY REPORT TO CITY MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Site Plan No. 368— Dow Gardens Maintenance Lot and Driveway

INITIATED BY: OHM Advisors

RESOLUTION

SUMMARY: This resolution will approve a petition from OHM Advisors for site plan review and approval of a maintenance parking lot with new access onto W. St. Andrews located at 1907 W. St. Andrews Road. The plan includes a new parking area for maintenance vehicles, a solid waste enclosure, fencing, and a new access road for maintenance vehicles leading to W. St. Andrews.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Staff Report to the Planning Commission
4. Planning Commission minutes
5. Location maps
6. Site Plan

CITY COUNCIL ACTION:

1. Public hearing is not required.
2. 3/5 vote required to approve resolution.

Grant Murschel
Director of Planning & Community Development

GRM/rmg



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland Michigan

Dear Mr. Kaye:

At its meeting on Tuesday, March 13, the Planning Commission held a public hearing and considered Site Plan No. 368, requested by OHM Advisors, for site plan review and approval of a maintenance parking lot with new access onto W. St Andrews located at 1907 W. St Andrews Road. The plan includes a new parking area for maintenance vehicles, a solid waste enclosure, fencing, and a new access road for maintenance vehicles leading to W. St. Andrews.

Site Plan No. 368 was recommended for approval by City Planning Staff for reasons outlined in the staff report attached hereto. After a public hearing and deliberation on the request, it was moved and seconded that the Planning Commission recommend to City Council approval of Site Plan No. 368 contingent upon:

1. A final storm water permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

Vote on the motion:

YEAS: Bain, Koehlinger, Mayville, Pnacek, Stamas, Tanzini and McLaughlin,

NAYS: None

ABSENT: Hanna Heying

Motion approved by a vote of 7 to 0.

No written public comments have been received and no public comments were made during the public hearing on this request.

Sincerely,

Grant Murschel
Director of Planning & Community Development

GRM/rmg



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BY COUNCILMAN

WHEREAS, the City Council has received the recommendation of the Planning Commission for approval of Site Plan No. 368, initiated by OHM Advisors, for site plan review and approval of a maintenance parking lot with new access onto W. St Andrews located at 1907 W. St Andrews Road; and

WHEREAS, the plan includes a new parking area for maintenance vehicles, a solid waste enclosure, fencing, and a new access road for maintenance vehicles leading to W. St. Andrews; and

WHEREAS, the City Council has reviewed the proposed Site Plan No. 368 in accord with the provisions set forth in Sections 27.02(A) and 27.06(A) of the Zoning Ordinance of the City of Midland; now therefore

RESOLVED, that the City Council does hereby approve Site Plan No. 368, contingent upon the following:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Site Plan No. 368



Site Plan SP #368

Date: March 7, 2018

STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Dow Gardens Maintenance Lot and Driveway

APPLICANT: OHM Advisors

LOCATION: 1907 W. St. Andrews Road

ZONING: (COM) Community

ADJACENT ZONE: North: (COM) Community & (LCMR) Limited Commercial, Manufacturing & Research
 South: (COM) Community & (RA-1) Single-Family Residential
 East: (RA-1) Single-Family Residential & (COM) Community
 West: (COM) Community & (RA-1) Single-Family Residential

ADJACENT DEV: North: MSU STEM Center, City of Midland Cemetery, Whiting Forest
 South: Alden B. Dow Home & Studios, single-family residential
 East: Midland Center for the Arts, single-family residential
 West: Emerson Park, single-family residential

REPORT

Site Plan No. 368, initiated by OHM Advisors, for site plan review and approval of a maintenance parking lot with new access onto W. St Andrews located at 1907 W. St Andrews Road. The plan includes a new parking area for maintenance vehicles, a solid waste enclosure, fencing, and a new access road for maintenance vehicles leading to W. St. Andrews.

Recreational facilities are permitted uses by right within the Community zoning district. Site plan review and approval under Section 27.02(A) of the Zoning Ordinance is required for this proposed use. Section 27.06(A) of the Zoning Ordinance states that: "The following criteria shall be used as a basis upon which site plans will be reviewed and approved:"

BASIS FOR ACTION

1. Adequacy of Information

The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

The site plan contains all of the information required for site plan approval but is in need of final approval of the following items:

- A final stormwater permit to be approved by the City Engineering Department.
- A final soil erosion and sedimentation control permit to be approved by the City Building Department.
- Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

2. **Site Design Characteristics**

All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

The proposed project includes a maintenance parking lot and access onto W. St. Andrews. The site design is seen as appropriate for the location given the existing topography, natural features and existing built environment of the area.

3. **Appearance**

Landscaping, earth berms, fencing, signs, walls and other similar site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

Landscaping is compliant through the use of tree credits that apply for existing trees and landscaping on the site.

4. **Compliance with District Regulations**

The site plan shall comply with the district requirements for height of building, lot size, lot coverage, density, and all other requirements set forth in the Schedule of Regulations (Article 26.00) unless otherwise provided in this Ordinance.

The project meets all setbacks, lot area, height and other dimensional requirements for the proposed use in the (COM) Community zoning district.

5. **Preservation and Visibility of Natural Features**

Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

The proposal is utilizing the natural drainage course of the site and minimizes the amount of cutting and filling required. Any trees removed as part of the project should be adequately accounted for in the final landscaping calculation.

The site plan does include work to be done within the 100-year floodplain; as such, final permit approval is the responsibility of the Michigan Department of Environmental Quality (DEQ).

6. **Privacy**

The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and

enhancement of property and the safety and privacy of occupants and uses.

The site development is mainly located within the heavily-wooded site, with the to-be-constructed pedestrian bridge extending to adjoining sites. There are no privacy provisions required for this type of development in this zoning district.

7. Emergency Vehicle Access

All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

The Fire Department is agreeable to the drawings as proposed. The Fire Marshall will review and give approval of the final construction drawings to ensure the new access road is capable of supporting fire apparatus of 80,000 lbs.

8. Ingress and Egress

Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.

The proposed vehicle access has been reviewed by the City Engineering Department. The access point is proposed to directly align with the driveway across St. Andrews Road, in compliance with the zoning ordinance's spacing standards.

9. Pedestrian Circulation

Each site plan shall provide a pedestrian circulation system, which is insulated as completely as is reasonably possible from the vehicular circulation system.

Pedestrian circulation for this proposal is seen as adequate. The proposed parking lot expansion is directly adjacent to the soon to-be-constructed pedestrian bridge connection intended to connect Dow Gardens and Whiting Forest.

10. Vehicular and Pedestrian Circulation Layout

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

Both vehicle and pedestrian circulation are considered appropriate for this development.

11. Parking.

The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance.

The parking proposed for the new development is compliant with Article 5.00 of the Zoning Ordinance. The proposed parking is predominantly for maintenance vehicles.

12. Drainage

The project must comply with the City's Stormwater Ordinance.

The final stormwater permit must still be signed off by the City Engineering Department.

Work within the floodplain will require MDEQ approval. The applicant will need to submit documentation showing that appropriate approvals have been granted by MDEQ.

13. Soil Erosion and Sedimentation

The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current State, County, and City standards.

The City Building Department will give final approval on this permit, which is typically addressed at the final permitting stage.

14. Exterior Lighting

Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets and comply with the provisions in Section 3.12.

As the parking lot will be used solely for maintenance vehicles and personnel of Dow Gardens during the day light hours, the applicant is requesting that the exterior lighting requirements be waived by the Planning Commission. This waiver is allowed under Section 3.12G(4) where special conditions are found that warrant an exception. Staff is supportive of the applicant's request understanding that the parking lot will not be used for public purposes, and that personnel will be utilizing the lot during daylight hours.

15. Public Services

Adequate services and utilities, including water, sewage disposal, sanitary sewer, and storm water control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the City.

As previously discussed, a final stormwater management permit must be approved by the City Engineering Department. This is typically addressed at final permitting stage. No other public services or utilities are impacted by this request.

16. Screening

Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas shall be screened by walls or landscaping of adequate height and shall comply with Articles 6.00 and 7.00 of this Ordinance. All roof-top mechanical equipment shall be screened from view from all residential districts and public roadways.

The proposal meets all City screening requirements.

17. Health and Safety Concerns

Any use in any zoning district shall comply with all applicable public health, pollution, and safety laws and regulations.

No health and safety concerns have been identified.

18. Sequence of Development

All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

The project is proposed in two phases, with the maintenance lot and enclosure being the first phase and the access driveway and associated drainage being the second phase. The petition is requesting approval of both of the phases.

19. Coordination with Adjacent Sites

All site features; including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

The proposal will not negatively impact adjacent sites. Proper coordination of construction of the driveway connection will be needed with the City Engineering Department.

20. Signs.

All proposed signs shall be in compliance with the regulations in Article 8.00 of this Ordinance

No signage is proposed at this time with this project. Any future signage will need to meet the requirements of Article 8 and be approved by the City Building Department before installation.

CONTINGENCY ITEMS

Based on consideration of the site plan thus far, staff is of the opinion that the proposal adequately meets city requirements and is designed in a manner which is harmonious with the existing built and natural environments of the surrounding area. That said, however, approval of the site plan should be considered subject to the following contingencies:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on March 13th, 2018 and will formulate a recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on March 26th, 2018 the City Council will consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



Grant Murschel
Director of Community Development

GRM/ad

**MINUTES OF THE MEETING OF THE
MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, MARCH 13, 2018, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman Mayville.
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

3. **Roll Call**

PRESENT: Bain, Pnacek, Koehlinger, Mayville, Stamas, Tanzini, McLaughlin

ABSENT: Hanna, Heying

OTHERS PRESENT: Grant Murschel, Director of Planning & Community Development, Tony Dier, Community Development Planner, and five (5) others.

4. **Approval of Minutes**

Bain had a minor change to the minutes, he disclosed near the end of the meeting after the vote that he was a former Dow employee but did not see that influencing his vote.

Moved by Stamas and seconded by Pnacek to approve the minutes of the regular meeting of February 27, 2018 with no changes. Motion passed unanimously.

5. **Public Hearing**

- a. **Site Plan No. 368** - requested by OHM for site plan review and approval of a maintenance parking lot with new access onto W. St Andrews located at 1907 W. St Andrews Road

Murschel presented an overview to cover the content for SP 368. OHM is proposing to construct maintenance parking lot with new access onto W. St Andrews located at 1907 W. St Andrews Road.

The subject property is zoned (COM) Community by the City of Midland Zoning Ordinance.

The subject is a specific portion of the Dow Gardens property on the northern portion. There is an existing maintenance building and greenhouse. The existing parking lot is also to the west of the maintenance building. The property to the north and east are also zoned COM. Properties to the southeast are zoned RA-1 Residential. To the west is an area zoned RM Multiple Family Residential. The proposed project is an expanded parking lot area and new maintenance access point connecting to W. St. Andrews Drive. The driveway is within the 100-year flood plain and needs a special permit through MDEQ. The connection to W. St. Andrews has triggered the need for Planning Commission review. Exterior lighting is not proposed on the site plan. Section 3.12G(4) allows exemption from the lighting standards if the applicant can show need. The area is not to be utilized by the public at night and staff supports the exemption.

Staff recommends approval of the site plan with four contingencies outlined in the staff report. Based on consideration of the site plan thus far, staff is of the opinion that the proposal adequately meets city requirements and is designed in a manner which is harmonious with the existing built and natural environments of the surrounding area. That said, however, approval of the site plan should be considered subject to the following contingencies:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

Commissioner Bain asked about the lighting and addressing it in the motion. Murschel said it would not be necessary.

Koehlinger asked if the parking is higher up and the driveway is lower, according to the grading plan. Murschel said this is true. Koehlinger asked about tree credits. Murschel explained the concept of accounting for existing trees on site counting towards landscaping requirements. Koehlinger asked about a previously approved site plan for Whiting Forest. Murschel showed the previous site plan that was approved.

Mayville asked if the petitioner would like to present.

John Kelly, 4710 Blossom Circle, presented on behalf of OHM Advisors. He stated this project will serve the existing greenhouse and maintenance facility. The existing drive is to the south and is one lane. This new drive would help with maintenance vehicle access and circulation. The proposed pedestrian bridge will cross W. St. Andrews and will avoid the new maintenance drive. Certain portion of the maintenance drive will incorporate a retaining wall. They will not be filling in the flood plain.

McLaughlin asked if there are handicap spaces required. Kelly said they were not required.

Mayville asked about the gate and where it would be. Kelly stated he did not know at this time but it would be added.

Mayville opened the meeting to public comment in support or opposition. None. Public comment was closed.

Mayville asked if they should waive rules. Pnacek motioned to waive the rules of procedure and vote on the proposal this evening. It was seconded by McLaughlin. Motion to support was unanimous.

Pnacek noted the site plan was detailed for what was being done. McLaughlin agreed.

It was moved by McLaughlin and supported by Stamas to recommend approval of Site Plan No. 368, initiated by OHM Advisors, for site plan review and approval of a maintenance parking lot with new access onto W. St Andrews located at 1907 W. St Andrews Road. The plan includes a new parking area for maintenance vehicles, a solid waste enclosure, fencing, and a new access road leading to W. St. Andrews contingent upon:

1. A final stormwater permit to be approved by the City Engineering Department.
2. A final soil erosion and sedimentation control permit to be approved by the City Building Department.
3. Final approval from the Michigan Department of Environmental Quality for work conducted in the floodplain.

YEAS: Bain, Koehlinger, Mayville, Pnacek, Stamas, Tanzini, and McLaughlin

NAYS: None

ABSENT: Hanna, Heying

The motion was approved (7-0).

6. Old Business

None

7. Public Comments (unrelated to items on the agenda)

None

8. New Business

None

9. Communications

Murschel discussed the Master Plan Amendment open houses that have been scheduled and what would occur at these public open houses.

1. Salvation Army, Thursday, April 12th, 6:30pm – 8:30pm
2. Live Oak Coffee Shop, Thursday, April 19th, 6:00pm – 8:00pm
3. Midland Evangelical Free Church, Thursday, April 26th, 6:00pm – 8:00pm

Other opportunities will be present at other Planning Commission meetings for public comment and discussion in the next two months.

10. Report of the Chairperson

None

11. Report of the Planning Director

Site plan for the Dow warehouse was approved by City Council. There is some new construction out on Joe Mann.

12. Items for Next Agenda – March 27, 2018

- a) CUP No. 60- initiated by Midland County Habitat for Humanity to permit a single-family residential dwelling in an OS Office Service zoning district on property located 2002 Jefferson Street.
- b) Site Plan No. 369 - initiated by Three Rivers Corporation for a visitor center and secure gatehouse for entrance and exit to the Michigan Operations plant, totaling 5,500 square feet and located at 1600 E Ellsworth Street. The subject location is at the north end of the approved S. Saginaw Road street vacation (just south of Mark Putnam Road).

It was motioned by McLaughlin and seconded by Pnacek to adjourn at 7:30 p.m. Motion passed unanimously.

Respectfully submitted,

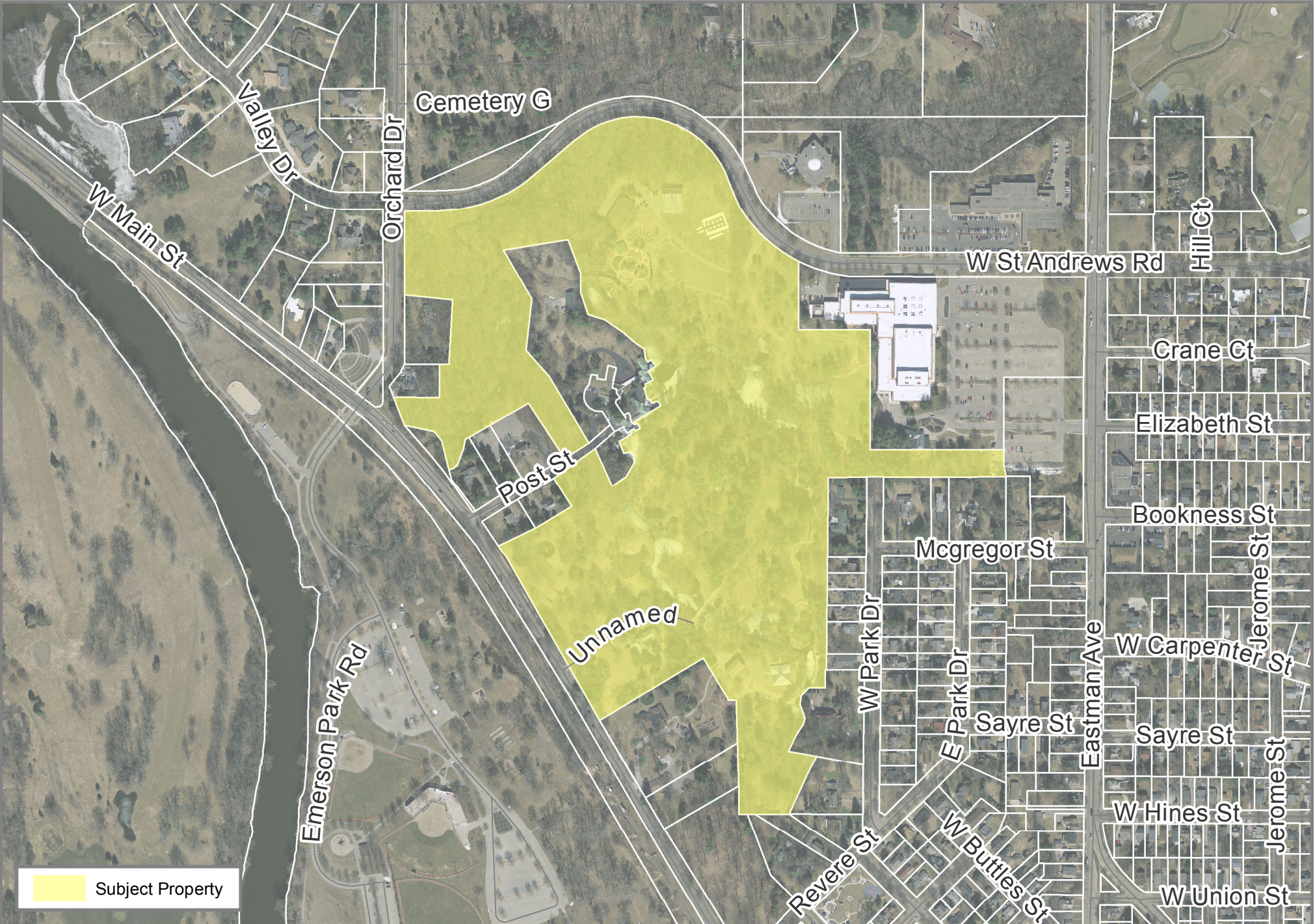


Grant Murschel
Director of Planning & Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION

SP #368 | Dow Gardens Maintenance Area

> 94 W. St. Andrews - OHM



Subject Property

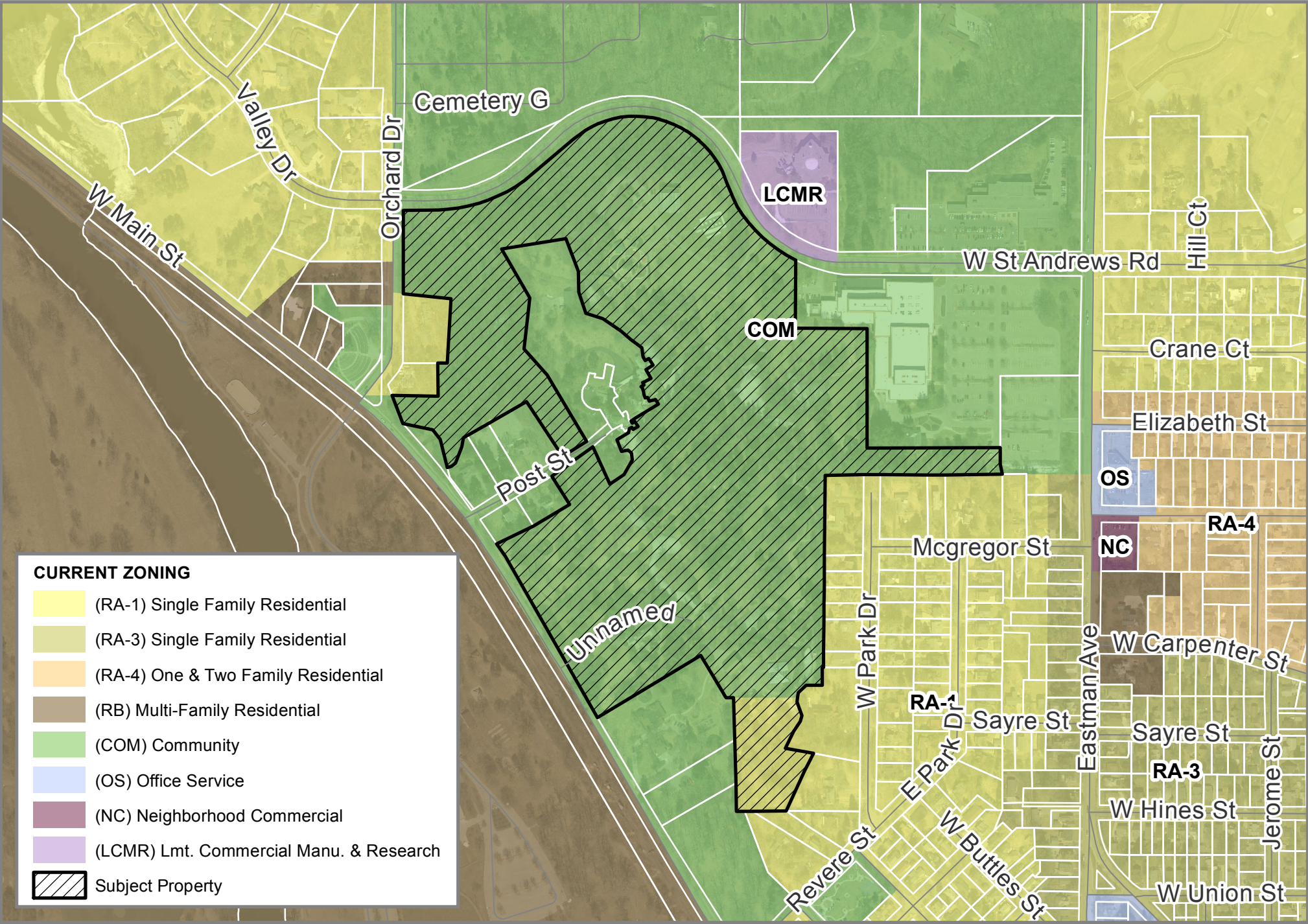
SP #368 | Dow Gardens Maintenance Area

> 195 W. St. Andrews - OHM



SP #368 | Dow Gardens Maintenance Area

> 1 96 W. St. Andrews - OHM



DOW GARDENS PARKING LOT PHASE 2



CITY OF MIDLAND
MIDLAND COUNTY, MICHIGAN

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	LEGEND SHEET
3	GENERAL NOTES SHEET
4	EXISTING TOPOGRAPHY
5	REMOVAL SHEET
6	SITE PLAN & LAYOUT
7	GRADING SHEET
8	PROFILE SHEET
9	CROSS SECTIONS SHEET
10	SOIL EROSION & SEDIMENTATION CONTROL PLAN
11	MISCELLANEOUS DETAILS
12	LOG OF BORINGS




PROJECT LOCATION

LOCATION MAP
N.T.S.

















APPLICATION DATE	PERMITS	APPROVAL DATE
	CITY OF MIDLAND STORMWATER PERMIT	
	CITY OF MIDLAND SITE PLAN APPROVAL	
	CITY OF MIDLAND CURB CUT APPROVAL	
	NPDES PERMIT	
	MDEQ WETLANDS PERMIT	












CONTRACT FOR: CONCRETE DRIVEWAY INTO NEW PARKING LOT, RETAINING WALL, AND STORM WATER FACILITIES.	
	OHM ADVISORS 415 E. MAIN ST MIDLAND, MI 48640 (989) 956-2020
PREPARED UNDER THE SUPERVISION OF:	
63203 Registration No.	
JOHN T. KELLEY, PE	Date
REVISIONS	
PROJECT NO. 5044-17-0030	SHEET NO. 1 OF 12

DRAWING PATH: P:\5000_5499\5044170030_Dow Gardens Parking Lot\Drawings\Civil\Misc\PHASE 2\170030\LEG_P2.dwg Feb 16, 2018 - 5:06pm




WATER & SEWER UTILITY SYMBOLS

EXISTING	
	STORM MANHOLE
	SQUARE CATCH BASIN
	ROUND CATCH BASIN
	CULVERT
	CULVERT W/O END SECTION
	CULVERT W/END SECTION
	SANITARY MANHOLE
	CLEAN OUT
	GATE VALVE & WELL
	GATE VALVE & BOX
	WATER STOP BOX
	FIRE HYDRANT
	METER PIT
	WATER METER
	SPRINKLER HEAD
	IRRIGATION VALVE

























PROPOSED

	STORM MANHOLE
	INLET/CATCH BASIN
	CULVERT END SECTION
	SANITARY MANHOLE
	GATE VALVE & WELL
	GATE VALVE & BOX
	TAPPING SLEEVE VALVE & WELL
	TAPPING SLEEVE VALVE & BOX
	FIRE HYDRANT




















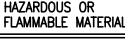
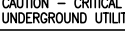






REAL ESTATE SYMBOLS

	CONTIGUOUS PROPERTY SYMBOL
	PARCEL NUMBER BOX
	NO ROW IMPACTS





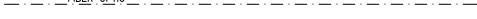




MISCELLANEOUS UTILITY SYMBOLS

EXISTING	
	GUY WIRE
	GUY POLE
	UTILITY POLE
	UTILITY POLE W/LIGHT
	LIGHT/DECOR LAMP POLE
	FLOOD LIGHT
	GAS VALVE
	GAS VENT
	GAS METER
	GAS RISER
	TRAFFIC SIGNAL
	PEDESTRIAN RISER
	TRANSFORMER PAD
	PRIVATE UTILITY MANHOLE
	RAILROAD CROSSING
	ELECTRIC METER
	PHONE BOOTH
	TRAFFIC SIGNAL CONTROLLER
	HAND HOLE
	ELECTRIC RISER
	TELEPHONE RISER
	CABLE TV RISER
	MONITORING WELL
	UNDERGROUND MARKER

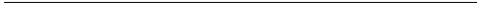



MISCELLANEOUS SYMBOLS

EXISTING	
	RIPRAP
	SIGN
	FLOW DIRECTION
	STUMP
	WETLAND
	CONIFEROUS TREE
	DECIDUOUS TREE
	CONIFEROUS SHRUB
	DECIDUOUS SHRUB
	SOIL BORING
	SECTION CORNER
	MONUMENT
	IRON ROD/PIPE
	PK NAIL
	BENCHMARK
	TRAVERSE POINT
	MAIL/NEWSPAPER BOX
	FLAG POLE
	POST
	USED WITH UNDERGROUND GAS & ELECTRICAL LINES
	USED WITH TELEPHONE & FIBER OPTIC LINES
PROPOSED	
	RIPRAP
	SIGN
	FLOW DIRECTION
	STRUCTURE NUMBER
	WM SAN STM
	ADA SIDEWALK RAMP

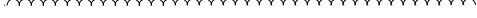




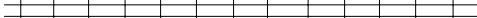


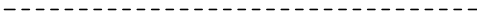
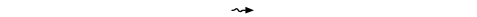
UTILITY PATTERN

EXISTING	
	ELECTRICAL *
	GAS\OIL
	CABLE/TELEPHONE *
	FIBER OPTIC *
	WATER
	SANITARY
	STORM
PROPOSED	
	STORM/SANITARY/WATER
	PRIMARY UTILITY WILL HAVE A CONTINUOUS LIFESTYLE, WITH THE SECONDARY UTILITY MATCHING ITS RESPECTIVE EXISTING UTILITY LIFESTYLE
*OH = OVERHEAD , UG = UNDERGROUND	


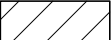

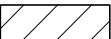
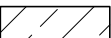












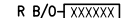
ROW PATTERN

EXISTING	
	ROW
	SECTION
	PROPERTY/PARCEL
PROPOSED	
	ROW










TOPO PATTERN

EXISTING	
	HEDGE/TREE
	FENCE
	GUARDRAIL
	CENTERLINE OF DITCH
	RAILROAD
	WETLAND/EDGE OF WATER
PROPOSED	
	GRADING LIMIT (SLOPE STAKE)
	CENTERLINE OF DITCH
	GUARDRAIL
	FENCE


REMOVAL LEGEND

	SIDEWALK REMOVAL
	HMA SURFACE REMOVAL
	PAVEMENT REMOVAL
	COLD MILLING HMA SURFACE
	HMA BASE CRUSHING AND SHAPING
	EXCAVATION, EARTH, MODIFIED
	CURB AND GUTTER, REM
	TREE, REM
	SALVAGE
	BULKHEAD
	ABANDON
	REMOVE
	ADJUST
	RELOCATE
	RECONSTRUCT
	REMOVE BY OTHERS
	ADJUST BY OTHERS
	RELOCATE BY OTHERS

IF NECESSARY FOR CLARITY

	SALVAGE
	BULKHEAD
	ABANDON
	CLEARING
	REMOVE
	RELOCATE
	RECONSTRUCT
	RELOCATE BY OTHERS
	ADJUST BY OTHERS

SPECIAL LEGEND



ARCHITECTS ENGINEERS PLANNERS

415 E MAIN ST
MIDLAND, MI 48640
P (989) 956-2020

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REVISIONS

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DATE	PROJ NUMBER	ENG	PROJ MGR	CADD	COUNTY	MANIPALITY
02/12/18	5044-17-0000HW	ADVISORS	JTK	SHH	MIDLAND COUNTY	CITY OF MIDLAND

DOW GARDENS
DOW GARDENS MAINTENANCE PARKING LOT
LEGEND SHEET

SHEET

2
OF 11

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FLOODPLAIN INFORMATION

CITY OF MIDLAND
MIDLAND COUNTY, MICHIGAN
PANEL 0169
COMMUNITY NUMBER: 260140
MAP NUMBER: 26111C0169E
EFFECTIVE DATE: MAY 4, 2009
ZONE: AE
100 YEAR FLOODPLAIN ELEVATION - 615.3

ZONING

ZONED: COMMUNITY DISTRICT

SETBACKS

FRONT SETBACK - 30'
REAR SETBACK - 25'
SIDE STREET SETBACK - 30'
SIDE SETBACK - 25'

UTILITIES

THE FOLLOWING UTILITY COMPANIES HAVE FACILITIES WITHIN THE PROJECT LIMITS:

1. CITY OF MIDLAND – ENGINEERING DEPT.
333 W. ELLSWORTH ST.
MIDLAND, MI 48640
ATTN: JOSH FREDRICKSON
PH: 989-837-3352
2. MIDLAND COUNTY DRAIN COMMISSION
220 W. ELLSWORTH ST.
MIDLAND, MI 48640
ATTN: DOUGLAS ENOS
PH: (989) 832-6770
3. COMMUNICATIONS:
AT&T
309 S. WASHINGTON AVE., ROOM 438A
SAGINAW, MI 48607
ATTN: ROBERT AUGUSTINE
PH: (989) 771-5404
4. ELECTRIC:
CONSUMERS ENERGY
1929 WRIGHT AVENUE
ALMA, MI 48801
ATTN: MATT DUNCAN
PH: 989-466-4271
5. GAS:
CONSUMERS ENERGY
2400 WEISS ST.
SAGINAW, MI 48602
ATTN: KYLE SKRABUT
PH: 989-791-5885

UTILITY NOTE

THE UTILITY LOCATIONS ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE SIZE, LOCATION, DEPTH, PRESSURE, OR ANY OTHER CHARACTERISTICS OF UNDERGROUND UTILITIES, TANKS OR SEPTIC FIELDS WITHOUT EXCAVATION. THEREFORE, WE HAVE BEEN GUARANTEED TO PROVIDE AN ACCURATE LIST OF THE BURIED UTILITY INFORMATION HEREON SHOWN. THE CONTRACTOR SHALL CALL MISS DIG (811) A MINIMUM OF THREE WORKING DAYS PRIOR TO ANY EXCAVATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THESE UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND MAKE EVERY EFFORT TO PROTECT AND/OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER / SURVEYOR AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND.

GENERAL NOTES

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE ALL PERMITS AND POST ALL BONDS PRIOR TO CONSTRUCTION, OR ENSURE THAT ALL REQUIRED PERMITS AND BONDS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION BY CALLING MISS-DIG (811) AT LEAST 3 WORKING DAYS PRIOR TO EXCAVATION.
3. THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THE PROTECTION OF ALL EXISTING UTILITIES DURING CONSTRUCTION. ALL UTILITIES DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED WITH LIKE MATERIAL. THE EXACT LOCATION OF EXISTING UTILITIES SHALL BE LOCATED BY HAND DIGGING.
4. ALL TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES ARE TO BE IN PLACE PRIOR TO STARTING REMOVALS.
5. THE CONTRACTOR SHALL BE LIABLE FOR ANY DAMAGE TO STREETS, SIDEWALKS OTHER STRUCTURES AND ADJACENT AREAS CAUSED BY DEMOLITION OR HAULING OPERATIONS.
6. THE CONTRACTOR SHALL TAKE ALL NECESSARY ACTIONS TO ENSURE WORKER SAFETY AND COMPLIANCE WITH MI-OSHA GUIDELINES.
7. DIMENSIONS ARE TO FACE OF CURB, OUTSIDE FACE OF BUILDING, EDGE OF PAVEMENT, CENTER OF STRUCTURE OR OTHERWISE INDICATED. CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS PRIOR TO CONSTRUCTION. ADJUST WORK AS REQUIRED TO MEET FIELD DIMENSIONS AT NO ADDITIONAL COST TO THE OWNER.
8. CONTRACTOR SHALL COORDINATE CONSTRUCTION STAGING AND ACCESSIBILITY WITH OWNER.
9. THE IMPROVEMENTS COVERED BY THESE PLANS SHALL BE DONE IN ACCORDANCE WITH THE PROPOSAL AND ACCOMPANYING SPECIFICATIONS FOR THIS PROJECT INCLUDING THE 2012 MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, ASHTO'S 2011 POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, THE 2011 MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, CITY OF MIDLAND, AND THE STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS.
10. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN SUCH A MANNER AS TO COMPLY WITH ALL FEDERAL, STATE, AND LOCAL CODES FOR NOISE LEVELS, HOURS OF OPERATION FOR CONSTRUCTION ACTIVITY, VIBRATIONS, OR ANY OTHER RESTRICTIONS.
11. ANY QUANTITIES AND DIMENSIONS SHOWN IN PLANS ARE PROVIDED FOR INFORMATION ONLY, CONTRACTOR SHALL FIELD VERIFY PRIOR TO CONSTRUCTION.

REMOVAL

1. REMOVALS SHALL BE DONE AS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER.
2. SAW CUTTING FOR PAVEMENT REMOVAL AS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER SHALL BE TO THE DEPTH REQUIRED FOR NEAT REMOVAL OF PAVEMENT OR CONCRETE.
3. SAW CUTTING DEPTH SHALL BE ADEQUATE TO PREVENT SPALLING, CHIPPING, OR DAMAGE TO EXISTING PAVEMENT EDGES LEFT IN PLACE AS DIRECTED.
4. ANY ADDITIONAL TREE REMOVALS, CLEARING, GRADING, ETC. NEEDED FOR THE CONTRACTOR'S STAGING AND/OR WORK OPERATIONS SHALL BE COMPLETED AND AREA RESTORED TO THE SATISFACTION OF THE OWNER WITHOUT ADDITIONAL COMPENSATION.
5. ADDITIONAL WORK OUTSIDE OF THE LIMITS AS SHOWN ON THE PLAN SHALL BE SUBMITTED TO THE ENGINEER FOR APPROVAL PRIOR TO STARTING THE ADDITIONAL WORK.
6. MATERIALS REMOVED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND BE PROPERLY DISPOSED OF AT AN OFF SITE LOCATION.

AGGREGATE CONSTRUCTION

1. AGGREGATE USED FOR PAVEMENT BASE SHALL MEET THE REQUIREMENTS OF SECTION 902 OF THE 2012 MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION AND SHALL BE MDOT CLASS 22A OR 21AA OR AS APPROVED BY THE ENGINEER.
2. AGGREGATE BASE CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH SECTION 302 OF THE 2012 MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.

HMA CONSTRUCTION

1. HMA USED FOR PAVEMENT SHALL MEET THE REQUIREMENTS OF SECTION 501 OF THE 2012 MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION AND GRADE SHALL BE AS NOTED PER PLANS AND DETAILS OR AS APPROVED BY THE ENGINEER.
2. HMA PAVEMENT CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH SECTION 501 OF THE MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
3. HMA BOND COAT WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE INCLUDED IN THE COST OF HMA PAVING.

MAINTENANCE OF TRAFFIC

1. TRAFFIC SHALL BE MAINTAINED IN ACCORDANCE WITH THE 2011 MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND MDOT MAINTAINING TRAFFIC TYPICAL PLANS.
2. CONTRACTOR TO PROVIDE NECESSARY SIGNAGE, BARRICADES, AND OTHER DEVICES FOR PROTECTION OF THE PUBLIC AND CONSTRUCTION WORKERS PRIOR TO PERFORMING ANY WORK.

PAVEMENT MARKING AND SIGNAGE

1. ACCESSIBLE PARKING SIGNS (R7-8 AND R7-8B) SHALL BE INSTALLED ON A 3 LB STEEL POST IN ACCORDANCE WITH MDT SIGNING SPECIAL DETAIL SIGN-200-A AND SECTION 810 OF THE MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. WATERBORNE PAVEMENT MARKINGS SHALL MEET THE REQUIREMENTS OF SECTION 920 AND BE APPLIED IN ACCORDANCE WITH SECTION 811 OF THE MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
3. ACCESSIBLE PARKING PAVEMENT MARKING SYMBOLS SHALL BE IN ACCORDANCE WITH MDT STANDARD PAVEMENT MARKING STANDARD PLAN PAVE-956-A.
4. PARKING STALL SPACES TO BE 4" SOLID WHITE PAINT STRIPES, HANDICAP PARKING TO BE 4' SOLID BLUE PAINT STRIPES W/ BARRIER FREE STRIPING OF 4" SOLID BLUE @ 2' O.C. ON 45' ANGLE.

CONCRETE CONSTRUCTION

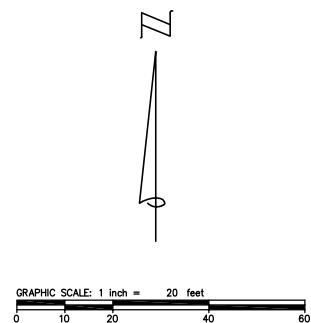
1. CONCRETE USED FOR CURB AND SIDEWALK SHALL MEET THE REQUIREMENTS OF SECTION 601 OF THE 2012 MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION AND SHALL BE MDOT GRADE P1 WITH A MINIMUM CEMENT CONTENT OF 526 LB/CYD OR AS APPROVED BY THE ENGINEER.
2. CONCRETE PAVEMENT CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH SECTION 602 OF THE 2012 MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
3. CONCRETE SIDEWALKS SHALL BE CONSTRUCTED ACCORDING TO MDOT STANDARD DETAIL R-29 SERIES.
4. EXPANSION JOINTS WITH EXPANSION FILLER SHALL BE PLACED WHERE THE CONCRETE PAVEMENT ABUTS AN EXISTING PAVED SURFACE OR BUILDING OR AS DIRECTED BY THE ENGINEER.
5. PROPOSED SIDEWALK CUT JOINTS SHALL BE CONSTRUCTED TO DIVIDE THE SIDEWALK INTO APPROXIMATELY 25 SQUARE FOOT AREAS OR AS DIRECTED BY THE ENGINEER.
6. ALL SIDEWALKS AND BARRIER FREE RAMPS SHALL BE CONSTRUCTED WITH A MAXIMUM 1:48 CROSS-SLOPE AND A MAXIMUM 1:12 LONGITUDINAL SLOPE.
7. ALL SIDEWALKS EXCEEDING THE MAXIMUM LONGITUDINAL SLOPE SHALL BE PROVIDED WITH HAND RAILS ON BOTH SIDES AS DIRECTED BY THE ENGINEER.
8. SIDEWALK CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH MDOT STANDARD PLAN R-28 SERIES.

RESTORATION

1. THE CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS UPON COMPLETION OF THE PROJECT.
2. ALL DISTURBED AREAS SHALL BE BROUGHT TO FINAL GRADE AND STABILIZED AS SOON AS POSSIBLE AFTER BEING DISTURBED. PERMANENT SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED WITHIN FIVE CALENDAR DAYS OF COMPLETING FINAL GRADING.
3. ALL PERMANENT SLOPES STEEPER THAN 4:1 SHALL BE STABILIZED USING MULCH BLANKETS AS LISTED ON THE PLANS.
4. CONTRACTOR SHALL PLACE 3" OF TOPSOIL, SEED AND MULCH AS INDICATED ON ALL DISTURBED AREAS NOT UNDER PAVEMENT OR OTHERWISE LABELED.
5. ALL FILL SHALL BE CLEAN INERT MATERIAL.



TRAVERSE POINT # 100 N 775009.25 E 13135643.16 ELEV 608.38	TRAVERSE POINT # 101 N 774891.05 E 13153728.66 ELEV 608.38
TRAVERSE POINT # 550 N 774876.51 E 13135578.1 ELEV 621.91	TRAVERSE POINT # 551 N 775009.15 E 13153639.59 ELEV 623.84
TRAVERSE POINT # 552 N 774935.36 E 13135456.23 ELEV 613.93	TRAVERSE POINT # 553 N 774646.82 E 13153432.29 ELEV 624.35



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DATE	PROJ NUMBER	ENG	PROJ MGR	CADD	COUNTY	MINORITY
02/17/18	5544-17-0030	CHM	JTK	SDH	MILAND	11

REVISIONS:

DOW GARDENS

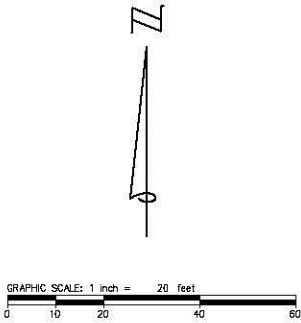
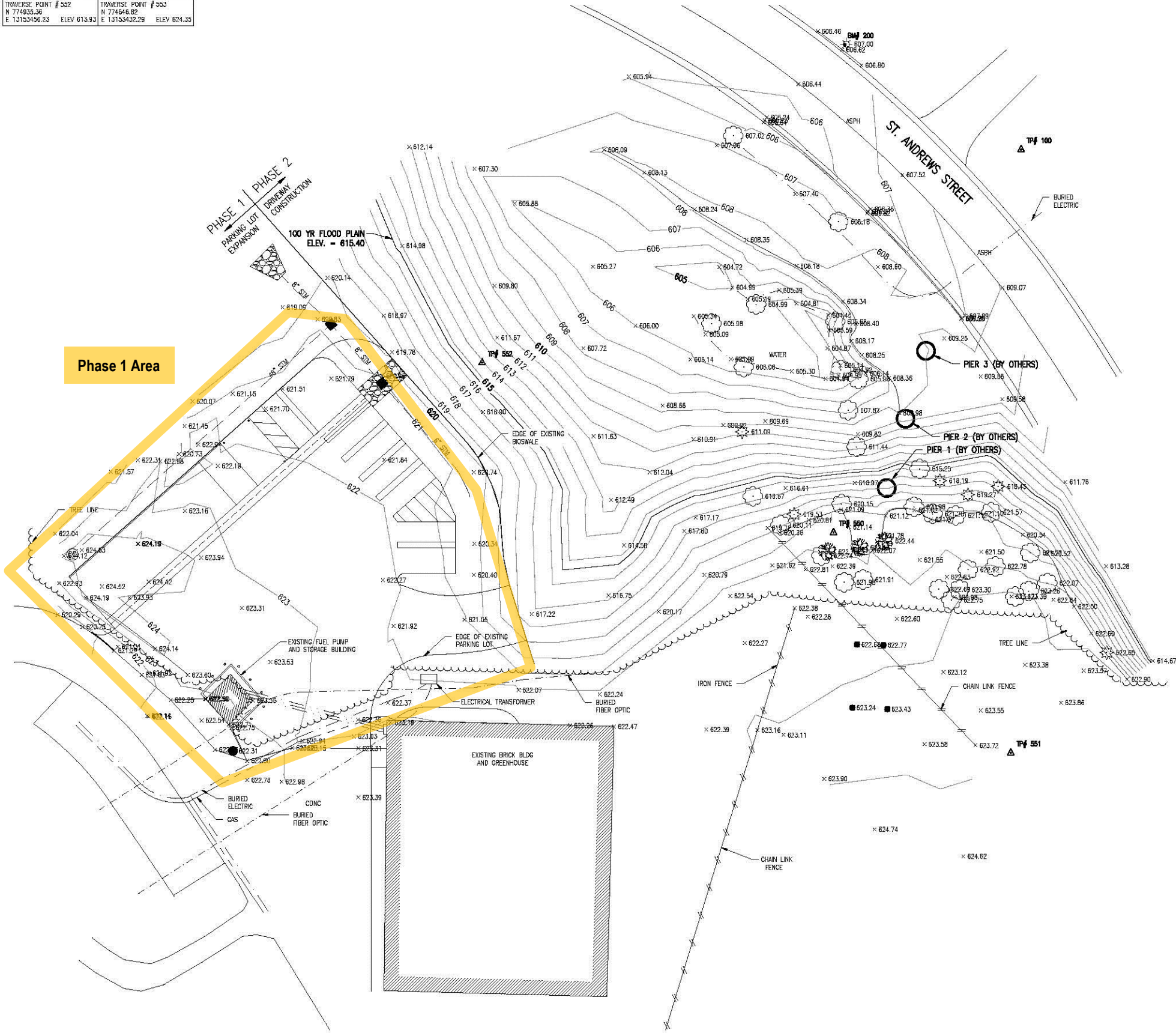
DOW GARDENS PARKING LOT PHASE 2

EXISTING TOPOGRAPHY

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DRAWING PATH: P:\6000_5499\5044170030_Dow Gardens Parking Lot\Drawings\Civil\Topo\PHASE 2\70030SUR_P2.dwg Feb 16, 2018 - 5:06pm

JOB BENCHMARK # 200	
PHONE POLE	
ON ROAD	
ELEV 607.69	
101	
N 775008.25	TRaverse POINT # 101
E 13153643.16	N 774881.05
ELEV 608.36	E 13153728.65
ELEV 608.38	
TRaverse POINT # 550	TRaverse POINT # 551
N 774876.51	N 775008.15
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ELEV 621.91	ELEV 623.84
TRaverse POINT # 552	TRaverse POINT # 553
N 774933.36	N 774848.82
E 13153456.23	E 13153432.29
ELEV 613.93	ELEV 624.35





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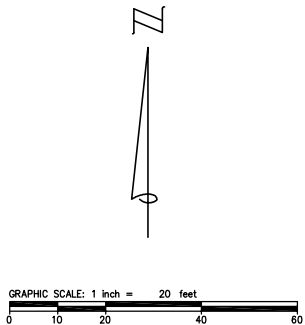
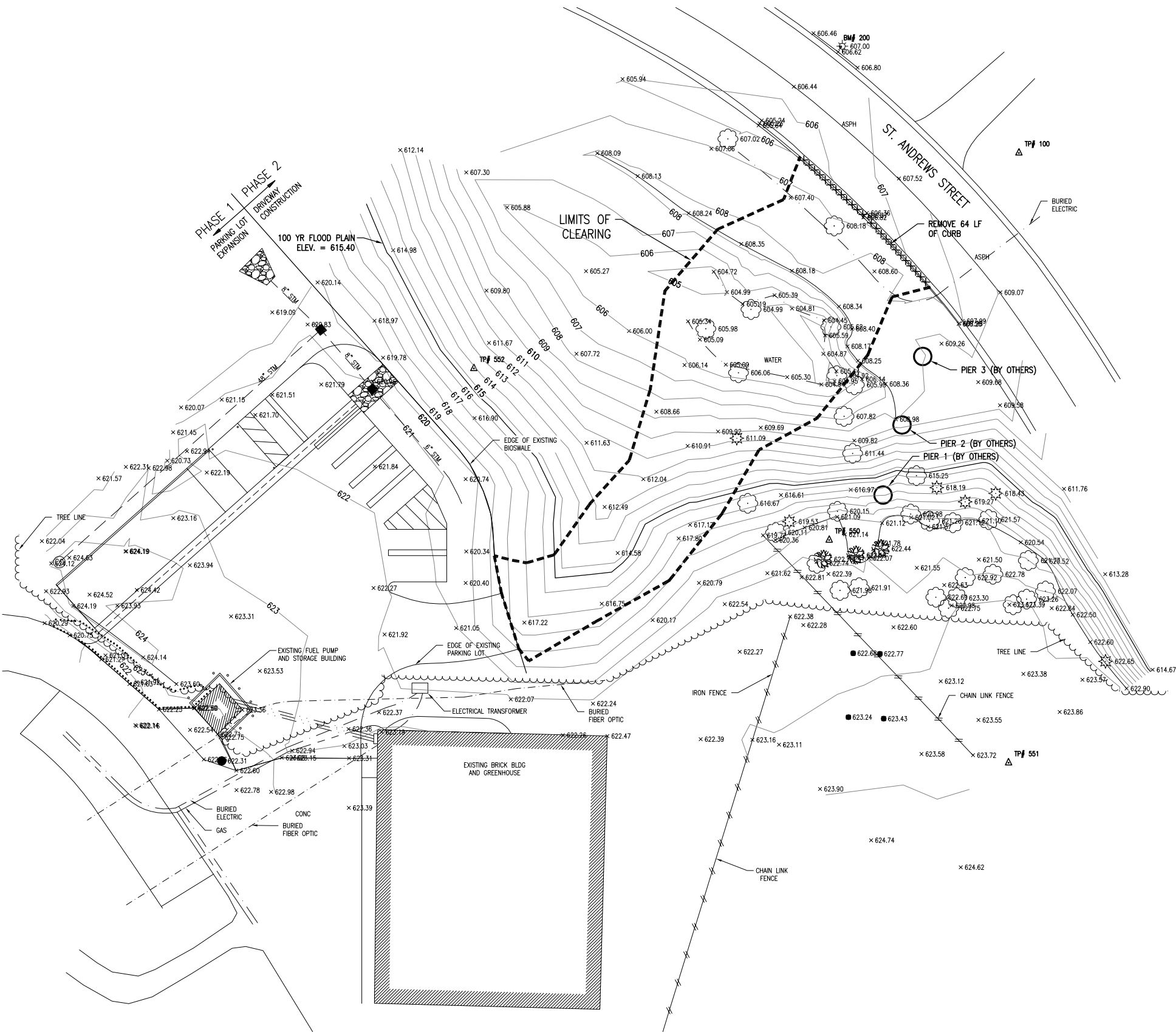
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REVISIONS	

DATE	PROJ NUMBER	ENG	PROJ MGR	DRAWN	COUNTY	MUNICIPALITY
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DOW GARDENS PARKING LOT PHASE 2						
EXISTING TOPOGRAPHY						



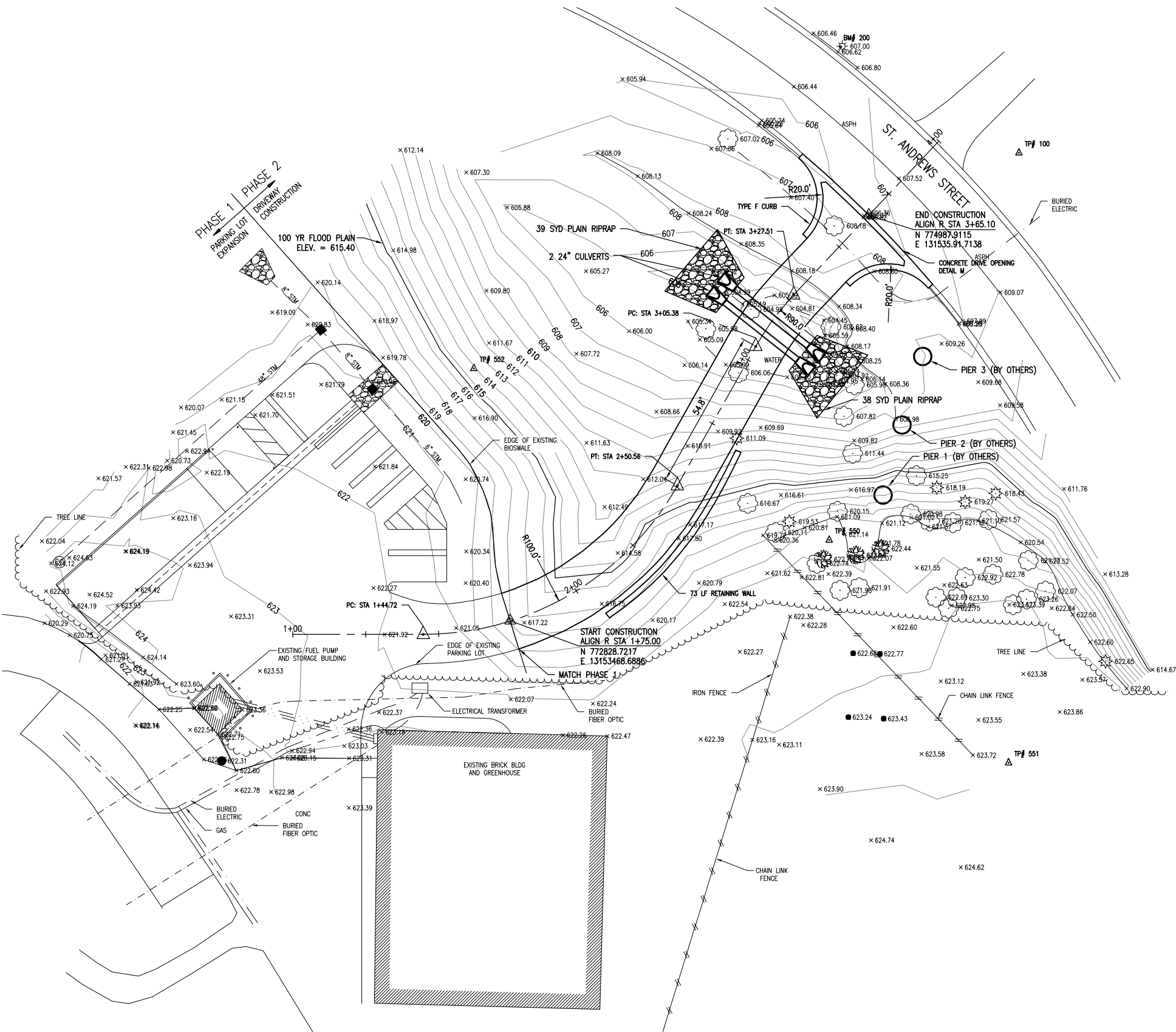
Know what's below.
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REVISIONS

DATE	PROJ NUMBER	ENG	PROJ MGR	CADD	COUNTY	MUNICIPALITY
02/12/16	5044-17-0030	OHM	JTK	SH	MIDLAND	CITY OF MIDLAND
DOW GARDENS DOW GARDENS PARKING LOT PHASE 2 REMOVAL PLAN						



GRAPHIC SCALE: 1 inch = 20 feet



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MANIPALITY

COUNTY

CADD

PROJ MGR

ENG

DATE

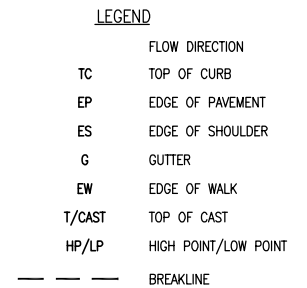
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DOW GARDENS
DOW GARDENS PARKING LOT PHASE 2
SITE PLAN & LAYOUT

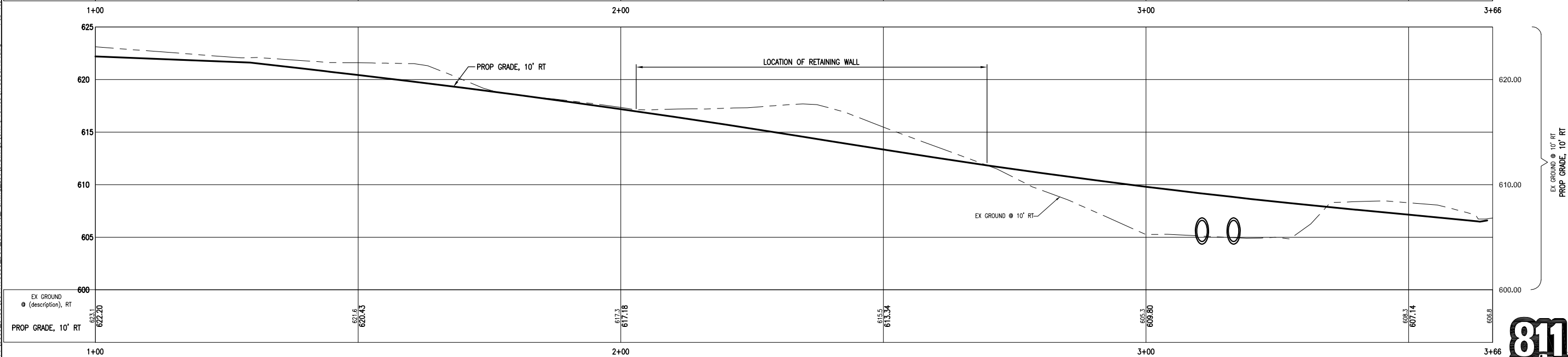
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OF 12

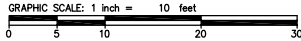
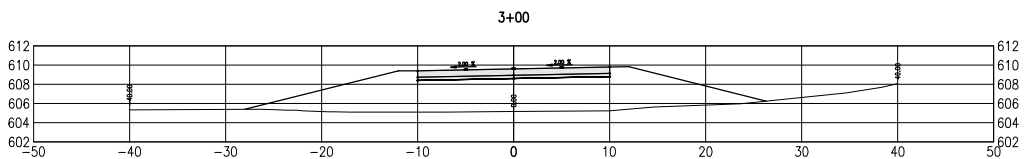
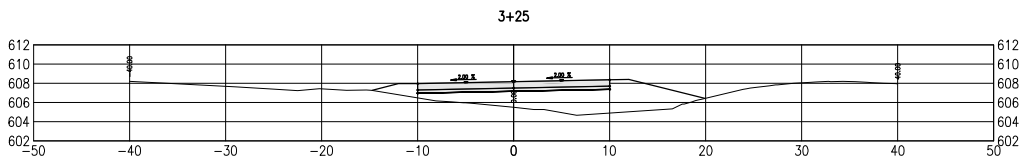
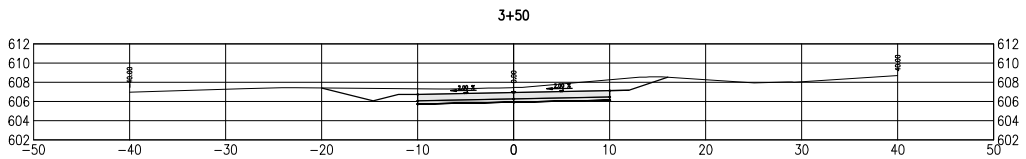
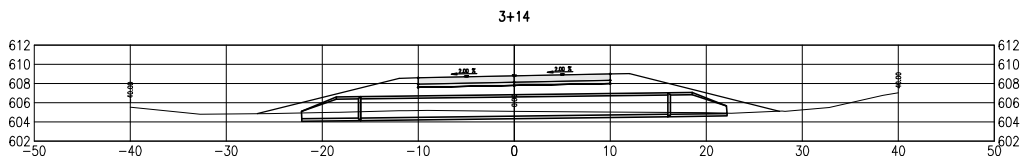
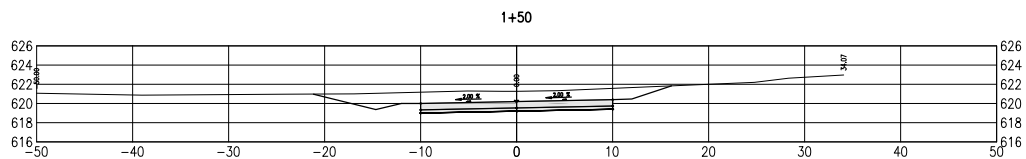
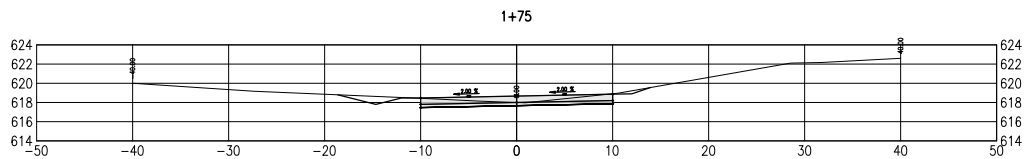
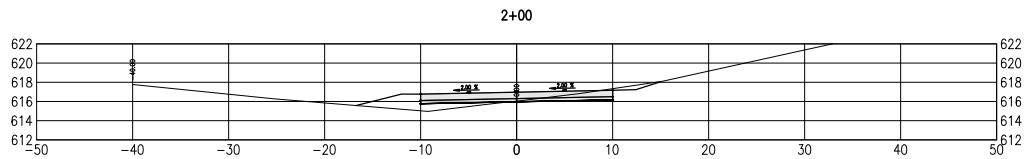
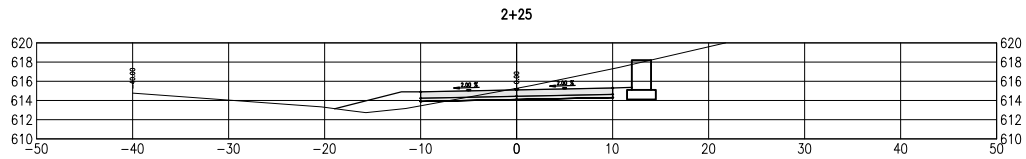
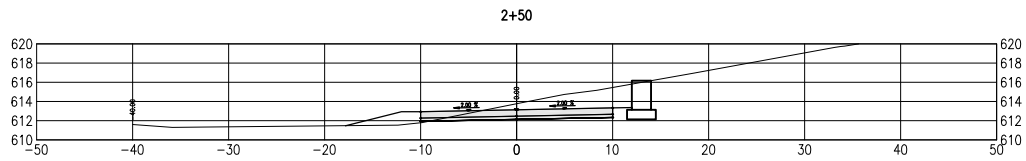
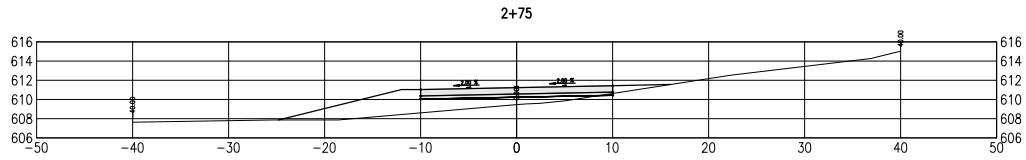
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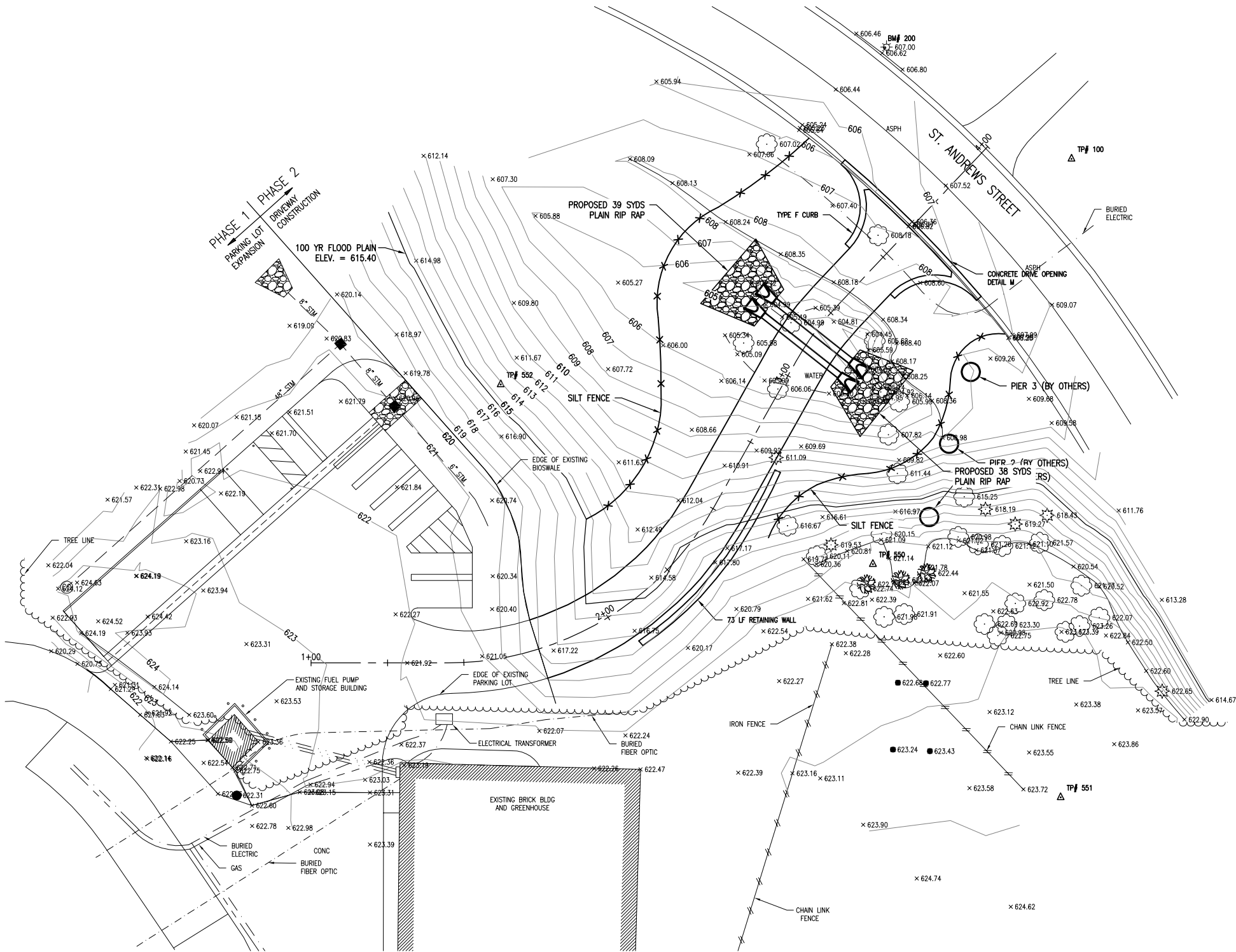
REVISIONS:

DATE	PROJ NUMBER	ENG	PROJ MGR	CADD	COUNTY	CITY/VILLAGE/TOWNSHIP	SCALE	HORIZ DATUM	VERT DATUM
02/12/18	5044-17-0030	OHM	JTK	SH	MIDLAND	CITY OF MIDLAND	H: 1"=10' V: 1"=10'	Value	Value

DOW GARDENS
DOW GARDENS PARKING LOT PHASE 2
CROSS SECTIONS SHEET

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SOIL EROSION AND SEDIMENTATION CONTROL MAINTENANCE SCHEDULE						
TASK	FREQUENCY	RIP RAP	SILT FENCE	INLET FILTERS	STORM SEWER	CS SLUMPS
INSPECT FOR SEDIMENT ACCUMULATION	WEEKLY		X	X	X	X
REMOVE ACCUMULATED SEDIMENT	AS NEEDED		X	X	X	X
INSPECT FOR FLOWABLES AND DEBRIS	WEEKLY				X	X
REMOVE FLOWABLES AND DEBRIS	AS NEEDED				X	X
INSPECT FOR PERMIT CONFORMANCE	AFTER RAIN	X	X	X		
RESTORE TO PERMIT CONFORMANCE	AS NEEDED	X	X	X		
INSPECT FOR SOIL EROSION	AFTER RAIN					X
RESTORE TO PREVENT EROSION	AS NEEDED					X
SCRAPE STREET	DAILY					
SWEEP STREET	WEEKLY					

SOIL EROSION AND SEDIMENTATION CONTROL OPERATION TIME SCHEDULE							
CONSTRUCTION SEQUENCE	APR	MAY	JUNE	JULY	AUG	SEP	
TEMPORARY EROSION CONTROL MEASURES							
CLEARING							
STRIP & STOCKPILE TOPSOIL / ROUGH GRADE							
INSTALL STORM SEWER							
SITE CONSTRUCTION & PAVEMENT							
PERMANENT EROSION CONTROL MEASURES							
FINISH GRADING							
LANDSCAPING							

SESC GENERAL NOTES

1. SOIL CONDITIONS:
S2- SLOAN LOAM
W2B- WIXOM-BELLEVILLE-URBAN LAND COMPLEX, 0 to 3 PERCENT SLOPES
SOURCE: websoilsurvey.nrcs.usda.gov

2. AREA OF DISTURBED EARTH APPROXIMATELY 0.55 ACRES.

3. NEAREST OPEN WATER IS THE SNAKE CREEK APPROXIMATELY 140 FEET NORTHWEST OF THE SITE.

MAINTENANCE NOTES

1. SOIL STOCKPILES
PERIODIC INSPECTIONS SHOULD BE DONE TO ENSURE EXCESSIVE EROSION HAS NOT OCCURRED. IF RUNOFF OR WIND EROSION HAS OCCURRED, REDUCE THE SIDE SLOPES OF THE SPOIL PILE, OR RE-STABILIZE THE STOCKPILE BY PROVIDING TEMPORARY SEEDING. WHEN FILTER FENCING IS USED AROUND A SPOIL PILE, PERIODIC CHECKS SHOULD BE MADE TO ENSURE THAT PILING HAS NOT OCCURRED UNDER THE FENCING, AND TO ENSURE THE FENCE HAS NOT COLLAPSED DUE TO SOIL SLIPPAGE OR ACCESS BY CONSTRUCTION EQUIPMENT. REPAIR ANY DAMAGED FENCING IMMEDIATELY. BERMS AT THE BASE OF THE SPOIL PILE WHICH BECOME DAMAGED SHOULD BE REPLACED.

2. DUST CONTROL
TO PREVENT DUST FROM BECOMING A PUBLIC NUISANCE AND CAUSING OFF-SITE DAMAGES, DUST CONTROL SHOULD BE ONGOING DURING EARTH CHANGE ACTIVITIES.

3. SILT FENCE
SILT FENCE SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. SILT FENCES SHOULD BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND SEVERAL TIMES DURING PROLONGED RAINFALLS. IF THE FENCE IS SAGGING OR THE SOIL HAS REACHED ONE HALF (1/2) THE HEIGHT OF THE FABRIC, THE SOIL BEHIND THE FABRIC MUST BE REMOVED AND DISPOSED OF IN A STABLE UPLAND SITE. THE SOIL CAN BE ADDED TO THE SOIL STOCKPILE. IF THE FABRIC IS BEING UNDERCUT (I.E. IF WATER IS SEEPING UNDER THE FENCE), THE FENCE SHOULD BE REMOVED AND REINSTALLED FOLLOWING THE PROCEDURES GIVEN ABOVE. FABRIC WHICH DECOMPOSES OR OTHERWISE BECOMES INEFFECTIVE SHOULD BE REMOVED AND REPLACED WITH NEW FILTER FABRIC IMMEDIATELY. SILT FENCES SHOULD BE REMOVED ONCE VEGETATION IS WELL ESTABLISHED AND THE UP-SLOPE AREA IS FULLY STABILIZED.

4. INLET FILTERS
PERIODIC INSPECTIONS SHOULD BE DONE TO ENSURE THAT THE INTEGRITY OF THE GEOTEXTILE FILTER IS MAINTAINED. THE FABRIC SHALL BE REMOVED AND REPLACED SHOULD IT BECOME SEDIMENT LADEN. THE INLET GEOTEXTILE FILTER SHALL BE REMOVED AFTER THE ESTABLISHMENT OF FINAL GRADE AND PRIOR TO PAVEMENT INSTALLATION.

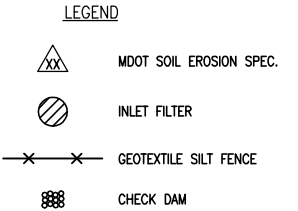
5. SEEDING
NEWLY SEEDED AREAS NEED TO BE INSPECTED FREQUENTLY FOR THE FIRST FEW MONTHS TO ENSURE THE GRASS IS GROWING. IF THE SEEDED AREA IS DAMAGED DUE TO RUNOFF, ADDITIONAL STORMWATER MEASURES MAY BE NEEDED. SPOT SEEDED CAN BE DONE ON SMALL AREAS TO FILL IN BARE SPOTS WHERE GRASS DIDN'T GROW PROPERLY.

7. MULCHING
MULCHED AREAS SHOULD BE CHECKED FOLLOWING EACH RAIN TO ENSURE THE MULCH IS STAYING IN PLACE. ADDITIONAL TACKING MATERIALS OR NETTING MAY NEED TO BE APPLIED TO HOLD THE MULCH IN PLACE.

8. STREET MAINTENANCE
CONTRACTOR SHALL SCRAPE ALL PUBLIC ROADS AT LEAST ON A DAILY BASIS. IN ADDITION, CONTRACTOR SHALL PROVIDE SWEEPING OF PUBLIC ROADS AT LEAST ON A WEEKLY BASIS.

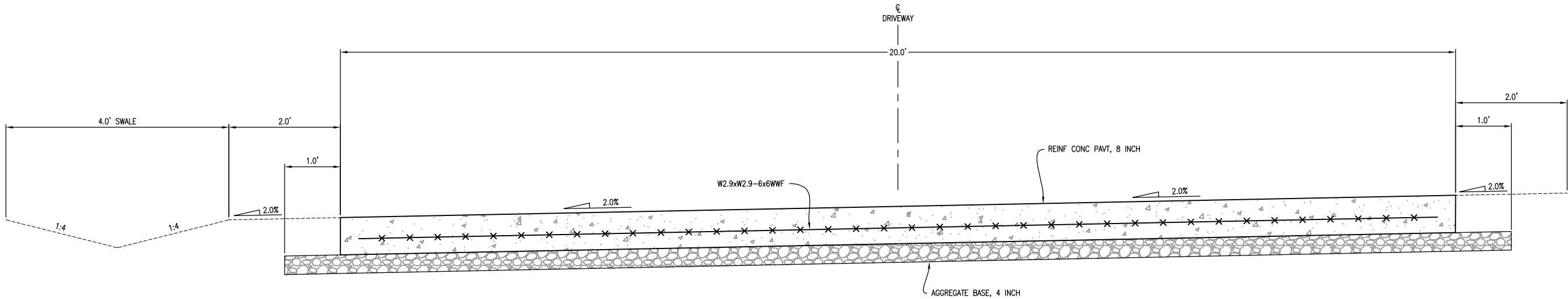
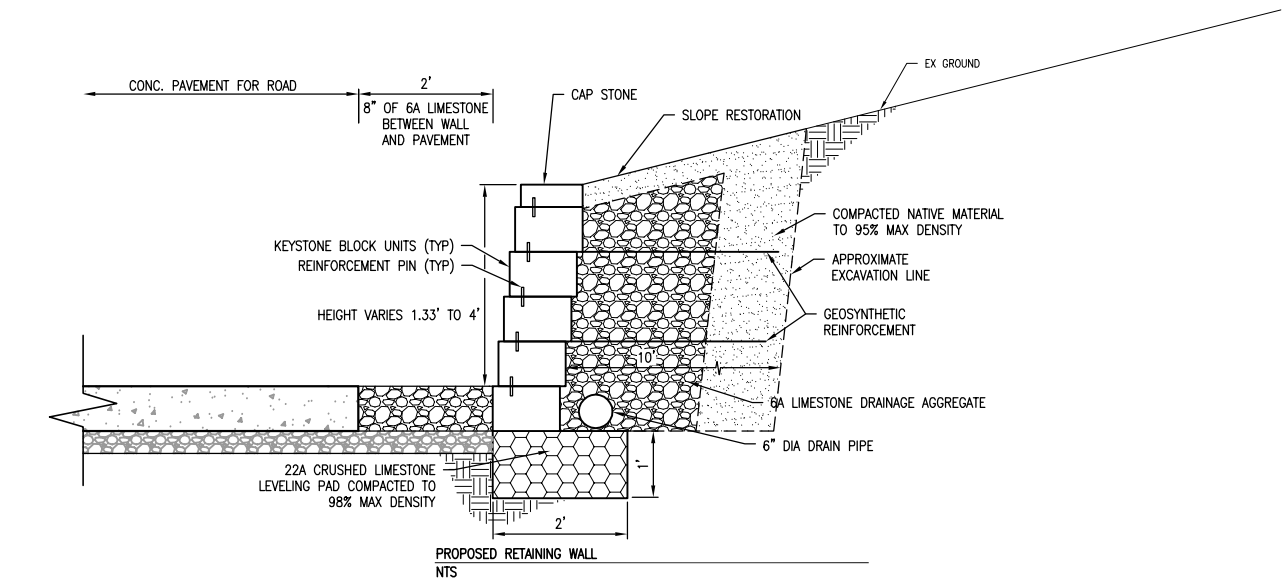
CONSTRUCTION SEQUENCE

1. PROVIDE EROSION CONTROL MEASURES THAT WILL BE USED AS PART OF THIS WORK. INSTALL ADDITIONAL MEASURES AS REQUIRED BY THESE DRAWINGS AND AS FIELD CONDITIONS DICTATE IN ACCORDANCE WITH THE CITY OF MIDLAND REQUIREMENTS.
2. IMPLEMENT TEMPORARY SOIL EROSION CONTROL MEASURES, INCLUDING SILT FENCE INSTALLATION.
3. DEMOLITION.
4. STRIP TOPSOIL AND STOCKPILE.
5. INSTALL STORM SEWER/UTILITIES.
6. INSTALL ALL PAVEMENT.
7. BEGIN PERMANENT AND TEMPORARY SEEDING AND MULCHING. ALL CUT AND FILL SLOPES SHALL HAVE PERMANENT STABILIZATION COMPLETED WITHIN 5 DAYS OF FINAL GRADE.
8. DAILY, OR AS REQUIRED, CONSTRUCT AND MAINTAIN TEMPORARY BERMS, DRAINS, SILT FENCE, SEDIMENT TRAPS, ETC. MULCH AND SEED AS REQUIRED.
9. FINISH GRADE, REDISTRIBUTE TOPSOIL AND ESTABLISH VEGETATION ON ALL DISTURBED GROUND AREAS.
10. CLEAN PAVEMENT AND STORM SEWERS OF ALL SEDIMENT.
11. REMOVE SOIL EROSION CONTROL MEASURES AFTER PERMANENT VEGETATION HAS BEEN ESTABLISHED.
12. INSTALL LANDSCAPING.
13. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL SOIL EROSION CONTROL MEASURES ARE INSTALLED AND MAINTAINED.



Know what's below.
Call before you dig.

DRAWING PATH: P:\5000_5499\5044170030_Dow Gardens Parking Lot Drawings\Civil Details\PHASE 2\170030DET_P2.dwg Feb 16, 2018 5:08pm



PROPOSED DRIVEWAY SECTION
SCALE: 1" = 1'



ARCHITECTS ENGINEERS PLANNERS

415 E Main St
Midland, MI 48640
P (989) 956-2020

OHM-ADVISORS.COM

REVISIONS

DATE PROJ NUMBER ENG PROJ MGR CAD COUNTY MUNICIPALITY

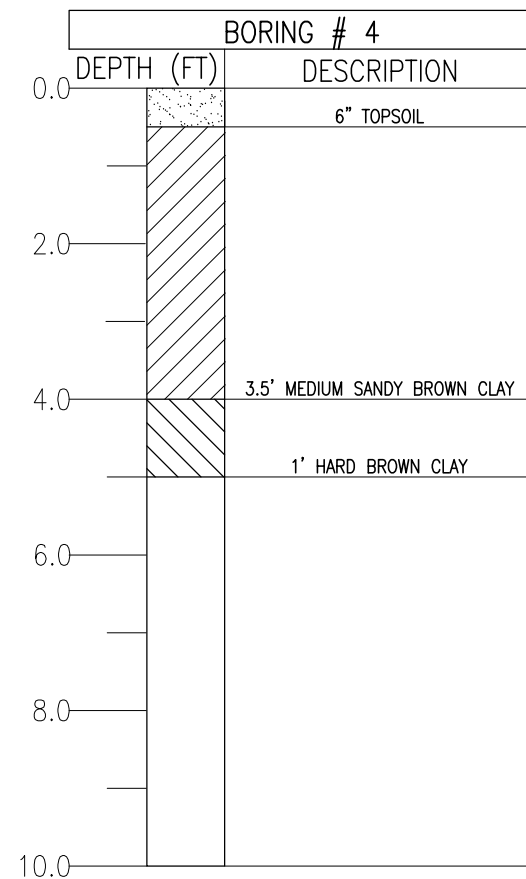
02/12/18 5044-17-0030 OHM JTK MIH MIDLAND CITY OF MIDLAND

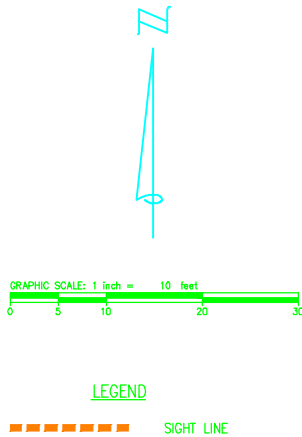
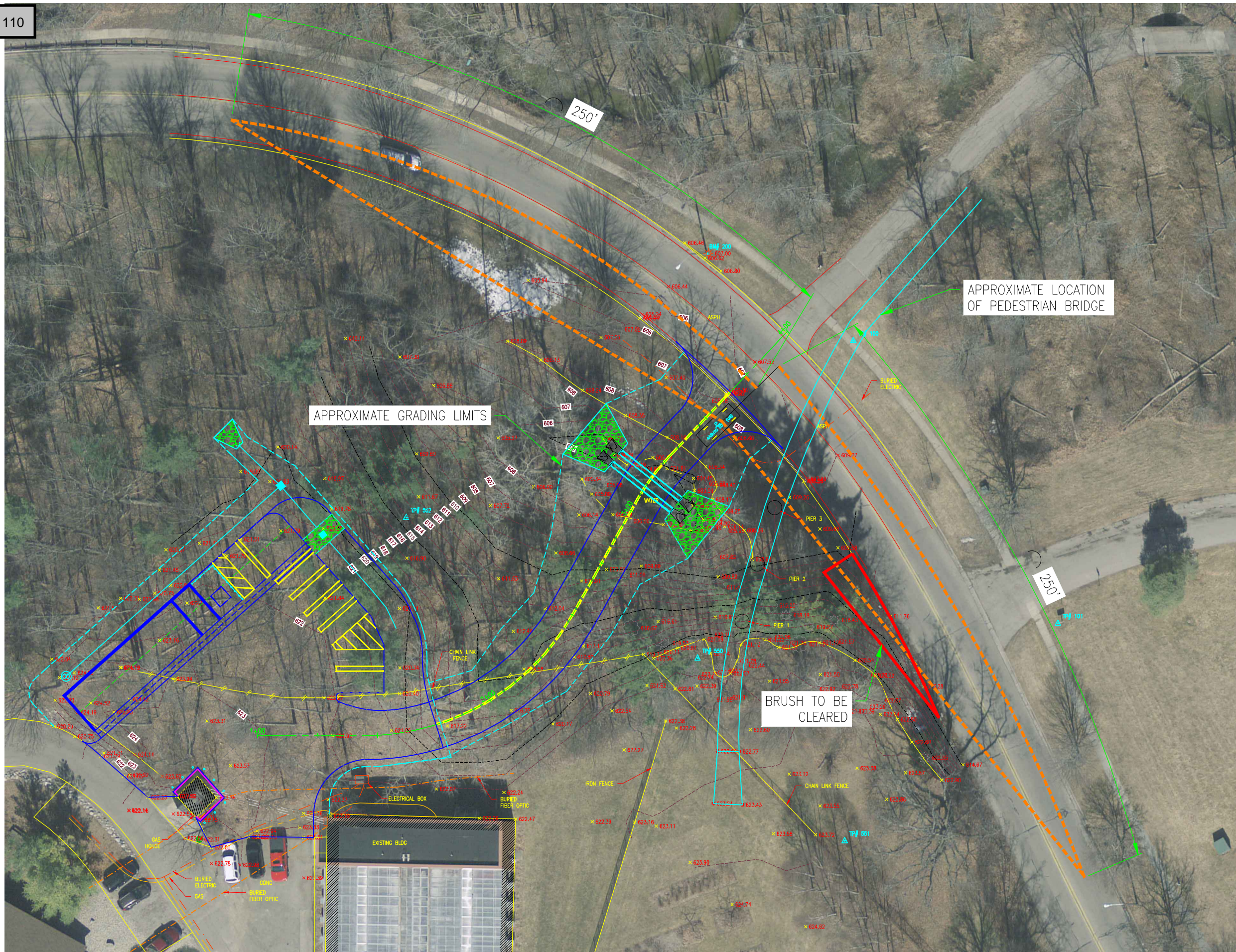
DOW GARDENS
DOW GARDENS PARKING LOT PHASE 2
MISCELLANEOUS DETAILS

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SHEET

11
OF 12





REVISIONS:

SHEET: 02/20/20 DATE: 02/20/20 PROJ. NO.: 044/ADVISORS PROJ. NAME: DOW GARDENS PARKING LOT SHEET: 110

DOW GARDENS
DOW GARDENS PARKING LOT
SIGHT LINES

Backup material for agenda item:

11. * Adopting and filing the City Manager's report concerning the special assessment district for the Shopping Area Redevelopment Act (SARA) assessment and provide for notice of a hearing of necessity. TISDALE

SUMMARY REPORT TO CITY MANAGER
for City Council meeting of March 26, 2018

SUBJECT: Request to renew the special assessment for the downtown Midland Shopping Area Redevelopment Act (SARA) district

INITIATED BY: Selina Crosby Tisdale, Community Affairs Director

RESOLUTION This resolution approves and files the City Manager's report concerning the

SUMMARY: special assessment district for the Shopping Area Redevelopment Act (SARA) assessment and directs the City Clerk to give notice of a hearing of necessity scheduled for Monday, April 9, 2018 to hear any objections or suggestions on the proposed assessment district.

ITEMS ATTACHED:

1. Letter of transmittal
2. SARA Assessment Map/Zones
3. Resolution for Council action

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Selina Tisdale
Community Affairs



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Every two years Midland City Council considers renewal of the Shopping Area Redevelopment Act (SARA) assessment for its principle shopping district in downtown Midland.

2018 is a renewal year for SARA and the recommendation is to renew the assessment at its current \$45,000 annual amount and continue to apply the assessment as it has been applied for the past 22 years.

SARA is a tool provided by the State of Michigan that allows cities with a master plan to establish principal shopping district(s) and levy special assessments to promote the district. The Act provides the legal basis for which a process can be used in activities for the development or redevelopment of a principal shopping district. Such activities may include regulating parking; maintaining and operating a district; improving streets; contracting for operating and maintenance of off-street parking; acquiring, maintaining, or operating real and personal property; promoting economic activity in the district by conducting market research and public relations campaigns, developing, coordinating and conducting retail and institutional promotions, and sponsoring special events and related activities.

The SARA assessment continues to be assessed based on front footage and according to two characteristics which are based on the amount of benefit a property receives from the use of SARA funds.

The first characteristic is the **LOCATION** of the property in relationship to Main Street. Those located on and closer to Main Street are classified in **Zone 1** and those properties off Main Street are classified in **Zone 2**. The second characteristic is the **TYPE** of business that occupies that property. Business types are assessed according to the following:

Zone 1	Zone 2
<ul style="list-style-type: none"> • Factor of 1 for retailers, restaurants & financial institutions • Factor of .25 for services • Factor of .5 for hotels 	<ul style="list-style-type: none"> • Factor of 0.25 for retailers & restaurants • Factor of 0.125 for services • Factor of .5 for hotels

The \$45,000 collected annually through SARA revenue is budgeted by the MDBA and is recommended for allocation as follows:

- \$16,500 for staff support from the Downtown Development Authority
- \$15,500 for holiday decorations
- \$13,000 for events and promotions

What do property owners and businesses receive from their SARA assessment?

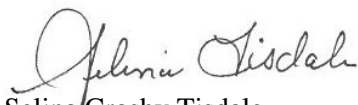
As indicated in the budget breakdown above, the revenue received from the SARA assessment provides for:

- The holiday decorations that light up the downtown for the holidays from November through December;
- Staff support, including the coordination and execution of all MDBA sponsored events, coordination of the MDBA marketing committee and its projects, social media marketing and maintenance of the downtownmidland.com website and meeting preparation and project follow up identified by the MDBA board and All Businesses meetings; and
- The costs for holding and marketing MDBA-sponsored events: Meet Your Merchants, Downtown Story Day, sidewalk sales, Chili & Salsa Taste-Off, Holiday Open House Weekend and Holly Jolly Days.

The MDBA board recommended the above-described plan for the 2018-20 SARA assessment to the SARA board (which is also the DDA board) on March 14. The SARA board unanimously approved the recommendation for Midland City Council consideration, final approval and implementation.

The attached resolution provides for City Council's review of the 2018-20 SARA assessment renewal recommendation and sets a hearing of necessity for April 9, 2018.

Sincerely,

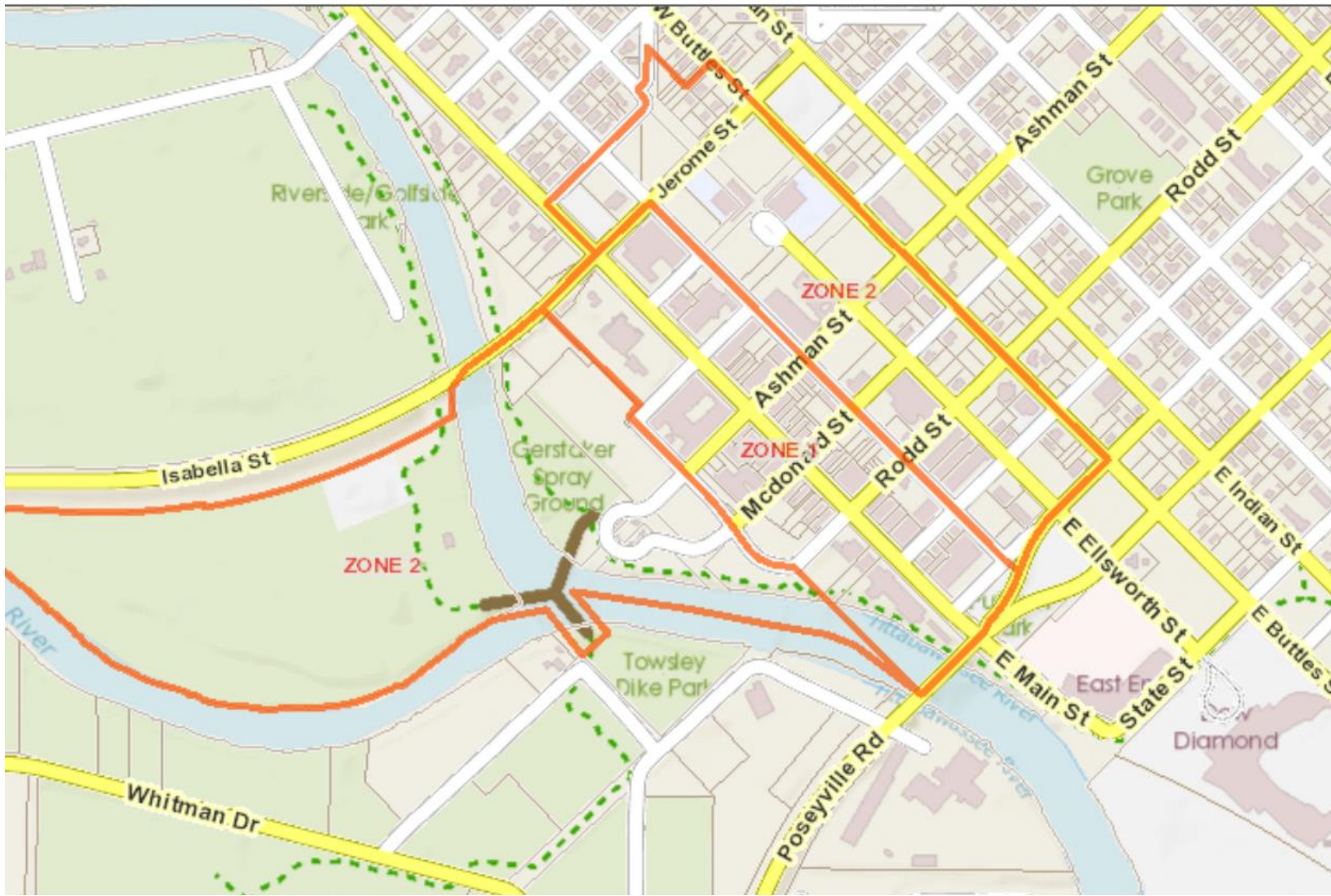


Selina Crosby Tisdale
City of Midland
Community Affairs Director
stisdale@midland-mi.org
989-837-3304

Timeline:

- MDBA All Businesses meeting held on January 24, 2018 recommendation to maintain SARA at its current level discussed and supported
- March 8, 2018 the MDBA board met and approved request that the SARA Board (DDA Board) consider the recommendation at its March 14 meeting
- SARA Board met on March 14 and approved the recommendation for Council consideration
- Introduced to Midland City Council on **March 26**, schedules hearing of necessity
- City Council holds hearing of necessity on **April 9**, schedules public hearing on the roll
- City Council holds public hearing on the roll on **April 25**, approves SARA
- Approved assessment applied **July 1, 2018** and **July 1, 2019**

SARA ASSESSMENT MAP / ZONES





City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City Manager has presented his report to the City Council presenting certain information regarding the 2018 Downtown Economic Revitalization Public Improvement Program in the City of Midland in conformance with provisions of Chapter 20 of the Code of Ordinances of the City of Midland; and

WHEREAS, the City Council has reviewed said report in order to decide the cost, extent and necessity of the proposed improvement program; and

WHEREAS, the Council finds and determines that said improvements, as before listed, appear to be necessary public improvements conducive to the general health, convenience and welfare of the people of the City of Midland and that the estimated period of usefulness of said improvements is two (2) years; and

WHEREAS, said public improvements shall constitute one special assessment district to be known as:

“2018 DOWNTOWN ECONOMIC REVITALIZATION PUBLIC IMPROVEMENT SPECIAL ASSESSMENT DISTRICT”

Which is hereby established and that said district comprises the following described lands and premises:

That area located in the Southwest ¼ of Section 16, the Southeast ¼ of Section 17, the Northwest ¼ of Section 21, and the Northeast ¼ of Section 20, bounded by West Main Street, Ripley Street, Eastman Avenue, Buttles Street, Cronkright Street, the Tittabawassee River, the “Tridge”, and all lands within 100 feet of the structure, the Tittabawassee River, and Isabella Street (M-20) excepting the Southeasterly 10 feet of Lot 4, and all of Lots 9, 10, 11 and 12 of Block 35, Carpenter and Hines Addition, all within the City of Midland, Midland County, Michigan.

; and

WHEREAS, the proposed improvements and work to be completed in said Special Assessment District shall consist of advertising, promotions and events, holiday decoration rental and contributions toward the salary and miscellaneous expenses for the Downtown Development Authority office staff support, and that the total estimated cost and expense thereof is ninety thousand dollars, (\$90,000.00); and

WHEREAS, the proportion of the cost and expense of said improvements to be borne and paid for by the City at large, County, and/or DDA shall be zero (\$0) and that all other costs and expenses of said revitalization program amounting to ninety thousand dollars (\$90,000.00) shall be borne and paid by special assessments on all lands and premises in said Special Assessment District as established above, in proportion to the estimated benefits resulting thereto from the improvement, determined as near as practicable on a front foot basis; now therefore

RESOLVED, that the report concerning said improvements is hereby adopted and shall be placed on file in the office of the City Clerk, and the same shall be available for public inspection during regular business hours; and that the City Council will meet in the City Hall, 333 W. Ellsworth, on Monday, April 9, 2018, at 7:00 p.m. to hear any objections or suggestions regarding the proposed improvements; and

RESOLVED FURTHER, that the City Clerk shall give notice of said hearing of necessity by causing a notice of this resolution to be published once in the Midland Daily News at least one week prior to said hearing date, and that the City Clerk shall also give notice of said hearing date to each property owner subject to special assessment by reason of said improvement, the address of said property owners to be taken from the latest tax assessment roll in the City Assessor's office in accordance with Act 162 of Public Acts of Michigan 1962.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

12. * Approving the Downtown Development Authority (DDA) request for expansion of staff approval under the downtown authority Midland sidewalk use policy. TISDALE

SUMMARY REPORT TO CITY MANAGER
for City Council meeting of March 26, 2018

SUBJECT: The Downtown Development Authority (DDA) is requesting expansion of staff approvals granted under the downtown Midland sidewalk use policy.

INITIATED BY: Selina Crosby Tisdale, Community Affairs Director

RESOLUTION SUMMARY: This resolution expands the scope of city staff approvals under the downtown Midland sidewalk use policy.

ITEMS ATTACHED:

1. Letter of transmittal
2. Proposed downtown Midland sidewalk use policy
3. Resolution for Council action

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Selina Tisdale
Community Affairs



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The Downtown Development Authority (DDA) would like to request that Midland City Council expand the permissions it has granted city staff to approve sidewalk right-of-way activities in the downtown district.

Since 1987 city staff has successfully administered an annual approval process for allowing downtown restaurants and pubs to utilize the public right-of-way (sidewalk space) for outdoor dining. With the new downtown streetscape completed, the DDA would like to add two more approvals to this process. First, an approval process for city staff to allow retailers to utilize an application process similar to restaurants and pubs so they, too, can utilize the public-right-of-way (sidewalk space) for outdoor display opportunities. Second, an approval process for musicians and other approved sidewalk entertainment to apply to utilize the public-right-of-way and be approved in a timely manner.

The policy guide that will be utilized by downtown businesses and the public applying for entertainment permits is attached and it further details the expectations of the users and the process followed by city staff in approving the various requests. This guide has received input and has been reviewed by downtown businesses. It was approved by the DDA board at its March 14 meeting.

A resolution providing city council's approval for city staff to review and approve sidewalk right-of-way uses as part of the downtown sidewalk use policy is attached.

Sincerely,

Selina Crosby Tisdale
City of Midland
Community Affairs Director



**Downtown Midland
Sidewalk Use Policy**
*for
outdoor dining, outdoor retail and
sidewalk entertainment*



Downtown Midland Sidewalk Activities Permits

The Midland Downtown Development Authority (DDA) encourages sidewalk activity that enhances public use and enjoyment while maintaining safety on our public right-of-way. With proper design and management, sidewalk activities can be a great way to encourage pedestrian activity which adds vitality and energy to the downtown environment and promotes economic development. A well-managed sidewalk use policy helps to make this happen.

There are different types of permissions required by the City of Midland prior to using the sidewalk (public right-of-way) in downtown Midland including outdoor dining areas, outdoor merchandise areas and sidewalk entertainment.

This policy provides a roadmap for how to apply for sidewalk use permits, what occurs as part of the application approval process and the guidelines that govern sidewalk usage for retailers, restaurants and entertainers.

Approval Process

First-time retail/outdoor dining applications:

1. **Completed application submitted to DDA office**
DDA Office reviews the application for....
 - completeness and accuracy
 - confirms appropriate insurance has been submitted
 - layout and aesthetics
 - status of Liquor Control Commission approval for outdoor liquor sales
2. **Layout forwarded to Engineering Department for right-of-way review**
The Engineering Department reviews the application for...
 - pedestrian access that meets Americans with Disabilities Act (ADA) and pedestrian clearance compliance and
 - schedules a meeting with the applicant for onsite review of layout
layout is either approved or modified to meet standards
3. **Once right-of-way review is complete and approved, application is**
 - sent to city manager for final signature
 - copy of approval is sent to applicant
 - original is placed on file with the City Clerk's office

Returning retail/outdoor dining applications

if the footprint of an outdoor retail or dining space has been previously-approved and no changes are being made from previous year:

1. **Completed application submitted to DDA office**
DDA Office reviews the application for....
 - completeness and accuracy
 - confirms appropriate insurance has been submitted
 - addresses any issues or concerns with previous-year's use of outdoor space
 - insures layout and aesthetics are still good
 - status of Liquor Control Commission approval for outdoor liquor sales
2. **Once complete and approved, application is:**
 - sent to city manager for final signature
 - copy of approval is sent to applicant
 - original is placed on file with the City Clerk's office

Entertainment

1. **Application reviewed by DDA Director**
DDA Office reviews the application for....
 - request is for an areas pre-designated for use by the DDA
 - request is for business area already approved through outdoor dining/retail space process
 - are there conflicting events already scheduled downtown?
 - is it appropriate entertainment?
 - any other departments need to be notified?

final approval given by DDA Director and notification provided to district as needed

SIDEWALK USE GUIDE & APPLICATIONS

SIDEWALK USE GUIDE & APPLICATIONS

RETAILERS

RETAILERS

Outdoor Merchandise Area – A Downtown Midland Outdoor Retail Agreement may be issued to allow the temporary placement of merchandise located on a public sidewalk in front of the retail business for the purpose of highlighting the business and displaying, exhibiting, or offering merchandise for sale. The permit approval process is based on ordinance requirements and providing/maintaining adequate pedestrian access.

the proposed outdoor retail approval process includes the following:

- Outdoor retail display space is available in the downtown district beginning April 1 of each year and ending October 31 of each year;
- The business requesting use of outdoor retail display space must submit a signed ***“Downtown Midland Outdoor Retail Agreement”*** application to the Downtown Development Authority (DDA) office and agree to the conditions contained in the agreement;
- Outdoor retail space may not occupy the public right-of-way closest to the building but rather is designated in an area between the curb line and identified pedestrian walkway (see image);
- Outdoor retail space may not be permanent and is only allowed during the business’s hours of operation. All sidewalk items must be removed from the sidewalk at close of business.
- The DDA and City of Midland Engineering Department reviews all outdoor use plans in the downtown district to insure the safety of pedestrians and patrons;
- A minimum five to eight foot clearance space for pedestrian sidewalk movements must be maintained between the building and outdoor display space;
- The business needs to provide the city with a copy their Certificate of Liability Insurance with requirements of listing the City of Midland as additional insured with General Aggregate coverage of \$2,000,000, and \$1,000,000 coverage for each occurrence;
- As part of the application process the business must submit a drawing of the space they propose to use including dimensions of space and items anticipated to be used as part of their outdoor display (i.e. rolling racks, moveable display, etc.);
- Proposed space to be used must be within the footprint of the business’ frontage (building/property), and not encroaching onto neighboring building/property’s frontage (unless written permission is submitted from neighboring property owner);
- Approved applicant is responsible for the cleanliness and upkeep of the sidewalk area being used for outdoor retail space including cleaning up any and all spills, trash, litter and debris, and including being responsible for corrective measures agreed upon with the city for any damage done to the sidewalk as a result of the outdoor retail activities. Area will be evaluated by the City of Midland;
- This approval process must be completed and approved each year prior to outdoor occupancy.

Outdoor Retail Space Policies

Merchandise displays in the downtown can create an interesting shopping environment that promotes walking and supports our local businesses. However, outdoor merchandise displays can also result in a cluttered and unattractive appearance and create obstructions for pedestrians. The following is in place for businesses interested in and approved for sidewalk retail space:

- Items displayed shall be limited to merchandise sold by the business;

- Outdoor displays shall be located within the business' frontage, within the space approved in the annual application;
 - The materials and colors used for shelves, racks, easels and similar supports for displayed items shall complement the architectural style and colors used on the adjacent building façade;
 - Outdoor displays must maintain an orderly appearance and be displayed only during hours of operation for the associated business. Displays shall be removed by the close of the business day and may only be placed outside when the business is open and operational;
 - Outdoor displays must be solid and sturdy so that they do not blow over, roll away, or fall down. Outdoor displays may not be bolted in or affixed to the sidewalk or structures on the sidewalk (light poles, bollards, benches, etc.);
 - Annual approval also gives the business ability to sponsor entertainment in their approved retail space. For instance, if a business wanted to use their outdoor space for a demonstration related to their business or feature musical entertainment they may do so with an application under the entertainment approval process;
 - During times when scheduled events are taking place in the downtown, these events supersede a merchant's use of their approved outdoor retail space, unless permission is granted from the events' coordinator for a business to utilize their outdoor retail space during the event.
-



2018
DOWNTOWN MIDLAND
OUTDOOR RETAIL APPLICATION

Date: _____

Business name: _____

Address: _____

Contact Information

Applicant name: _____

Phone Number: _____

Email: _____

Please detail how the outdoor space will be used including a listing of types and quantity of items that will occupy your outdoor space (clothes racks, tables, shelves, etc.)

Approximate size of your outdoor space (provide detailed diagram also showing proximity of space to your establishment): _____

If your outdoor space is encroaching onto a neighboring property's footprint with permission, please provide the name, signature and contact information of approving property owner(s):

Name: _____

Signature: _____

Owner of property located at: _____

_____ I have attached the requested proof of insurance naming the City of Midland as additionally insured

_____ I have attached a map of requested use area showing approximate size of space and proximity to my business location.

Signature of Applicant

2018
DOWNTOWN MIDLAND
OUTDOOR RETAIL AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2018,
 between the CITY OF MIDLAND, a Michigan municipal corporation, having its principal office located at
 333 W. Ellsworth Street, Midland, Michigan 48641-1647, hereinafter referred to as the "City" and
 _____, a _____ of
 (name of applicant) (title of applicant)

_____, Midland, Michigan 48640, hereinafter referred to as "Retailer";
 (name of establishment)

WHEREAS, the Retailer desires to offer outdoor retail service to its patrons on the public
 sidewalk adjoining its business located at _____ in the City of Midland and the
 City is willing to accommodate this new request/renewal;

NOW THEREFORE, in consideration of the mutual responsibilities and undertakings hereinafter
 set forth, it is understood and agreed between the parties as follows:

1. Pursuant to the authority granted to the City Council of the City pursuant to Section 5.4
 of the Charter and Section 22-1 of the Code of Ordinances, the City herewith grants permission to the
 Retailer to use the public sidewalk right-of-way adjacent to the Retailer's business located at
 _____, Midland, Michigan for the purposes of offering outdoor
 retail service to its patrons, subject to the additional responsibilities and undertakings set forth herein.

2. The Retailer may utilize said public sidewalk right-of-way for the purpose described in
 paragraph #1 beginning _____ and ending _____. The Retailer agrees that
 the hours that the public sidewalk right-of-way may be utilized during this period of time are as follows:

3. The Retailer agrees to the following conditions in connection with its use of public
 sidewalk right-of-way:

- a) Egress from the building shall not be impeded.
- b) Barrier free accessibility requirements shall be followed with a sketch or diagram
 provided prior to authorization indicating retail area and the barrier free zone.
- c) Any trash blowing from the area shall be removed from the sidewalk and planter boxes
 so that the area is kept attractive and clean.
- d) Free access around the existing planters shall be provided for maintenance purposes.
- e) At least five (5) to eight (8) feet of walkway for pedestrian traffic shall be maintained. This area
 must be maintained free of plants, flowers or other ornamental features which may overhang
 the service area or otherwise impede or hinder, in any way whatsoever, vehicular or pedestrian
 traffic.
- f) No items shall be affixed into the sidewalk and use of sidewalk amenities (bollards, benches,
 lightpoles, etc.) is strictly prohibited for stabilizing outdoor materials.

4. The Retailer agrees to indemnify and hold harmless the City and all of its departments,
 officers and employees from and against any and all claims, suits, damages, costs, losses and expenses

which in any manner may result from, arise out of, or be connected with, its offering outdoor food and beverage service in the area described in paragraph #1 above. In addition, the Retailer agrees to add the City as certificate holder and additional insured to its liability insurance for its operations located at _____ and to furnish the City with a copy prior to beginning outdoor service.

5. Notwithstanding any other term or condition of this Agreement, the Retailer agrees to discontinue use of the public sidewalk right-of-way adjacent to the Retailer's business located at _____, Midland, Michigan, upon receipt of a notice to discontinue made pursuant to a resolution of the City Council of the City.

6. Both parties agree that this Agreement shall be subject to all applicable ordinances, resolutions and rules of the City and rules and regulations

7. This Agreement shall be subject to written modifications as may be mutually agreeable to the contracting parties.

8. This Agreement shall be binding on and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year, first written above.

IN THE PRESENCE OF: CITY OF MIDLAND

By: _____
Its: City Manager

By: _____
Its: Business Owner

Prepared by James O. Branson III, City Attorney

SIDEWALK USE GUIDE & APPLICATIONS

OUTDOOR DINING

OUTDOOR DINING

Outdoor Dining Area - An Outdoor Dining Area Permit may be issued to allow the temporary placement of tables, chairs, and/or benches to be utilized for dining and/or restaurant purposes, adjacent to a business wishing to provide outdoor dining space. The permit approval process is based on the ordinance and providing/maintaining adequate pedestrian access.

- Outdoor dining space is available in the downtown district beginning April 1 of each year and ending no later than October 31 of each year;
- The business requesting use of outdoor dining space must submit a signed ***“Downtown Midland Outdoor Dining Space Agreement”*** application to the City Manager’s office and agree to the conditions contained in the agreement;
- Outdoor dining space may not occupy the public right-of-way closest to the building but rather is designated in an area between the curb line and the five to eight foot wide pedestrian walkway (see image).
- The City of Midland Engineering Department reviews all outdoor use plans in the downtown district to insure the safety of pedestrians and patrons when using the sidewalk for outdoor display space;
- A minimum five to eight foot clearance space for pedestrian sidewalk movements must be maintained between the building and outdoor dining space;
- The business must provide the city with a copy their Certificate of Liability Insurance with requirements of listing the City of Midland as additional insured with General Aggregate coverage of \$2,000,000, and \$1,000,000 coverage for each occurrence;
- The business must provide a drawing of their intended sidewalk space use including size of space to be used, location of space shown in proximity to their place of business and items anticipated to be used in the outdoor space (tables, chairs, fencing, etc.);
- If you are requesting use of outdoor dining space that will allow liquor sales, you must obtain necessary licensing and follow rules and regulations of said license as required by the Michigan Liquor Control Commission (MLCC);
- Proposed space to be used must be within the business’ frontage (building/property), and not encroaching onto neighboring building/property’s frontage (unless written permission is submitted from neighboring property owner);
- This approval process must be completed and approved each year prior to occupancy;
- New outdoor space concepts must be reviewed by the City of Midland for spacing and location and the DDA for aesthetics and durability. Once approved, outdoor dining that remains unchanged in footprint and material will be granted approval, providing it remains in appropriate condition.” Please see ideas for creative attractive outdoor dining spaces.
- Materials used to delineate outdoor dining space must be sturdy on their own and may not be bolted in or affixed to the sidewalk or structures on the sidewalk (light poles, bollards, benches, etc.);
- Approved applicant is responsible for the cleanliness and upkeep of the sidewalk area being uses for outdoor dining space including cleaning up any and all food, beverages spills, trash, litter and debris, and including being responsible for corrective measures agreed upon with the city for any staining or damage done to the sidewalk as a result of the outdoor dining activities. Area will be evaluated by the City of Midland;

- Fencing, tables, chairs and sidewalk in front of the business must be kept free of all advertising, litter and debris;
- The city is not responsible for damage to tables, chairs or other items making up the outdoor eating area.



Be Creative with Outdoor Dining Spaces!

The DDA encourages classy creativity when designing your outdoor dining space. Creative use of natural materials and inclusion of greenery can minimize large clunky outdoor spaces and create a pleasing blend with the new downtown streetscape. Please reference these creative outdoor dining spaces when designing yours. *Outdoor dining spaces with adult beverage sales must have their outdoor space delineation approved by the Liquor Control Commission, these are simply ideas and suggestions to get your creative juices flowing.*



2018
DOWNTOWN MIDLAND
OUTDOOR DINING APPLICATION

Date: _____

Business name: _____

Address: _____

Contact Information

Applicant name: _____

Phone Number: _____

Email: _____

Please detail how the outdoor space will be used including a listing of types and quantity of tables, chairs and other items that will occupy your outdoor space

Approximate size of your outdoor space (provide detailed diagram also showing proximity of space to your establishment): _____

Will you serve alcohol in your outdoor space? **Yes No**

If yes, have you secured proper licensing from the Michigan Liquor Control Commission (MLCC)?

Yes No

If serving alcohol in your outdoor dining area, the MLCC requires that you delineate the area in which alcohol will be served from the general public area. If serving alcohol, please detail how you will delineate your outdoor serving area. Please describe in detail the materials that will be used and provide visuals / photos / detailed drawings.

If your outdoor space is encroaching onto a neighboring property's footprint with permission, please provide the name, signature and contact information of approving property owner(s):

Name: _____

Signature: _____

Owner of property located at: _____

_____ I have attached the requested proof of insurance naming the City of Midland as additionally insured

_____ I have attached a map of requested use area showing approximate size of space and proximity to my business location.

Signature of Applicant

**2018
DOWNTOWN MIDLAND
OUTDOOR DINING AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, 2018, between the CITY OF MIDLAND, a Michigan municipal corporation, having its principal office located at 333 W. Ellsworth Street, Midland, Michigan 48641-1647, hereinafter referred to as the "City" and _____, a _____ of _____

(name of applicant) (title of applicant)

_____, Midland, Michigan 48640, hereinafter referred to as "Restaurant";
(name of establishment)

WHEREAS, the Restaurant desires to offer outdoor food and beverage service to its patrons on the public sidewalk adjoining its business located at _____ in the City of Midland and the City is willing to accommodate this new request/renewal;

NOW THEREFORE, in consideration of the mutual responsibilities and undertakings hereinafter set forth, it is understood and agreed between the parties as follows:

1. Pursuant to the authority granted to the City Council of the City pursuant to Section 5.4 of the Charter and Section 22-1 of the Code of Ordinances, the City herewith grants permission to the Restaurant to use the public sidewalk right-of-way adjacent to the Restaurant's business located at _____, Midland, Michigan for the purposes of offering outdoor food and beverage service to its patrons, subject to the additional responsibilities and undertakings set forth herein.

2. The Restaurant may utilize said public sidewalk right-of-way for the purpose described in paragraph #1 beginning _____ and ending by October 31, 2018. The Restaurant agrees that the hours that the public sidewalk right-of-way may be utilized during this period of time are as follows:

3. The Restaurant agrees to the following conditions in connection with its use of public sidewalk right-of-way:

- a) Service or consumption of alcoholic beverages, if applicable, shall be prohibited outside of the building unless permission of the Michigan Liquor Control Commission is received.
- b) Egress from the building shall not be impeded.
- c) Barrier free accessibility requirements shall be followed with a sketch or diagram provided prior to authorization indicating seating area and the barrier free zone.
- d) Any trash blowing from the tables shall be removed from the sidewalk and planter boxes so that the area is kept attractive and clean.
- e) Free access around the existing planters shall be provided for maintenance purposes.
- f) If alcoholic beverages are to be served, the service area shall be delineated to distinguish the service area from the right-of-way. If the service area is roped-off or chained-off it must be done in a manner so as not to impede or

- g) No items shall be affixed into the sidewalk and use of sidewalk amenities (bollards, benches, lightpoles, etc) is strictly prohibited for stabilizing outdoor materials.
- h) At least five (5) feet of walkway for pedestrian traffic shall be maintained. This area must be maintained free of plants, flowers or other ornamental features which may overhang the service area or otherwise impede or hinder, in any way whatsoever, vehicular or pedestrian traffic.

5. Notwithstanding any other term or condition of this Agreement, the Restaurant agrees to discontinue use of the public sidewalk right-of-way adjacent to the Restaurant's business located at _____, Midland, Michigan, upon receipt of a notice to discontinue made pursuant to a resolution of the City Council of the City.

7. This Agreement shall be subject to written modifications as may be mutually agreeable to the contracting parties.

8. This Agreement shall be binding on and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year, first written above.

CITY OF MIDLAND

By: _____

Its: City Manager

By: _____

Its: Business Owner/Applicant

Prepared by James O. Branson III, City Attorney

SIDEWALK USE GUIDE & APPLICATIONS

ENTERTAINMENT

ENTERTAINMENT

Sidewalk Entertainment/Performance - Sidewalk Entertainment/Performance includes entertainment such as acoustical music, dance, mimes, magicians, clowns, jugglers and theatrical presentations, but specifically excluding speeches, lectures, and sermons. Applicants must comply with all federal, state and local laws when performing within the city. Applicants under the age of 18 need the signature of a parent or guardian who will accompany the youth at their performances.

- Application for outdoor entertainment must be received at least 48 hours prior to requested performance time;
- Permit not valid during events sponsored by downtown Midland, Midland Downtown Business Association or an outside organizer who has permission to hold an event in downtown Midland, unless permission is given by the event organizer;
- Applicant agrees to comply with parameters as submitted and authorized under application;
- The applicant agrees to indemnify and hold the City of Midland harmless from any and all claims, demands or causes of action which may result from sidewalk entertainer's actions;
- Entertainment only permitted on public sidewalks/public spaces as identified by the Downtown Development Authority's sidewalk policies and as approved for in the application;
- Entertainment must meet community standards for decency. No vulgar language or lewd behavior will be tolerated as part of entertainment provisions;
- Approved applicant is responsible for the cleanliness and upkeep of the sidewalk area being used for outdoor entertainment including cleaning up any trash, litter and debris, and including being responsible for corrective measures agreed upon with the city for damage done to the sidewalk as a result of the outdoor entertainment activities. No markings on sidewalks or roadway. Area will be evaluated by the City of Midland;

48-hour permit process, approved locations:

[DIAGRAM PENDING]

- SW corner Ashman/Main
- SE corner Ashman/Main
- NW corner McDonald/Main
- NE corner McDonald/Main
- SE corner McDonald/Main
- NE corner Rodd/Main
- NW corner Rodd/Main
- SW corner Rodd/Main
- SE corner Townsend/Main
- SW corner Townsend/Main

*Retailers and restaurant/pubs may sponsor outdoor entertainment in their designated outdoor retail or dining space as approved by the City of Midland. **Scheduled downtown events and approved corner entertainment will take precedent over location-sponsored entertainers.***

**2018
DOWNTOWN MIDLAND
SIDEWALK ENTERTAINMENT APPLICATION**

Date: _____

Entertainer/Group's Name: _____

Contact Information

Applicant name: _____

Address: _____

Phone Number: _____

Email: _____

If entertainer is under the age of 18, performer must have a parent or guardian sponsor present for the duration of performance

Performer's sponsor's name if performer is under the age of 18 _____

Sponsor's Phone Number: _____

Sponsor's Email: _____

Brief Description of Performance/Entertainment _____

Requested Date of Use: _____

Requested Time of Performance _____ until _____

Set Up to Begin _____ (am / pm)

Area Cleared by _____ (am / pm)

Requested Location:

(see map of approved locations)

Retailers and restaurant/pubs may sponsor outdoor entertainment in their designated outdoor retail or dining space as approved by the City of Midland. If sponsored by a business at their outdoor location spot please provide the following information:

Name of business sponsor: _____

Business sponsor address where said performance will take place: _____

Name and contact information of business representative sponsoring performance:

Name: _____

Email: _____

Phone number: _____

Will you collect tips as part of the performance _____

Approximately how much area will you occupy? _____

Other requests? _____

Amplified sound is prohibited without specific permission

Signature of performer: _____

Signature of sponsor is performer is under the age of 18 _____

DOWNTOWN MIDLAND
SIDEWALK ENTERTAINMENT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2018, between the CITY OF MIDLAND, a Michigan municipal corporation, having its principal office located at 333 W. Ellsworth Street, Midland, Michigan 48641-1647, hereinafter referred to as the "City" and _____, a _____ of _____ (name of applicant) _____ (title of applicant)

_____, Midland, Michigan 48640, hereinafter referred to as "Entertainer";
 (name of entertainer)

WHEREAS, the Retailer desires to offer outdoor entertainment on the public sidewalk located at _____ in the City of Midland and the City is willing to accommodate this new request/renewal;

NOW THEREFORE, in consideration of the mutual responsibilities and undertakings hereinafter set forth, it is understood and agreed between the parties as follows:

1. Pursuant to the authority granted to the City Council of the City pursuant to Section 5.4 of the Charter and Section 22-1 of the Code of Ordinances, the City herewith grants permission to the applicant to use the public sidewalk right-of-way located at _____, Midland, Michigan for the purposes of offering outdoor entertainment, subject to the additional responsibilities and undertakings set forth herein.

3. The entertainer agrees to the following conditions in connection with its use of public sidewalk right-of-way:

- a) Egress from the building shall not be impeded.
- b) Barrier free accessibility requirements shall be followed with a sketch or diagram provided prior to authorization indicating retail area and the barrier free zone.
- c) Any trash blowing from the area shall be removed from the sidewalk and planter boxes so that the area is kept attractive and clean.
- d) No items shall be affixed into the sidewalk and use of sidewalk amenities (bollards, benches, lightpoles, etc) is strictly prohibited for stabilizing outdoor materials.
- e) At least five (5) feet of walkway for pedestrian traffic shall be maintained. This area must be maintained free of plants, flowers or other ornamental features which may overhang the service area or otherwise impede or hinder, in any way whatsoever, vehicular or pedestrian traffic.

4. The entertainer agrees to indemnify and hold harmless the City and all of its departments, officers and employees from and against any and all claims, suits, damages, costs, losses and expenses which in any manner may result from, arise out of, or be connected with, its entertainment offerings in the area described in paragraph #1 above. In addition, the entertainer agrees to add the City as certificate holder and additional insured to its liability insurance for its operations located in downtown Midland and to furnish the City with a copy prior to performance.

5. Notwithstanding any other term or condition of this Agreement, the entertainer agrees to discontinue use of the public sidewalk right-of-way upon a request to discontinue from the City of Midland.

6. Both parties agree that this Agreement shall be subject to all applicable ordinances, resolutions and rules of the City and rules and regulations

7. This Agreement shall be subject to written modifications as may be mutually agreeable to the contracting parties.

8. This Agreement shall be binding on and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year, first written above.

IN THE PRESENCE OF:

CITY OF MIDLAND

By: _____

Its: City Manager

By: _____

Its: Applicant (or sponsor if applicant is under 18 years)

Prepared by James O. Branson III, City Attorney

City of Midland Charter:

Sec. 5.4. Streets and alleys.

The Council shall have power to establish and vacate, to use, and to control and regulate the use of the streets, alleys, bridges, and public places, whether such public places be located within or without the limits of the city, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof and to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the city, and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

Code of Ordinances

Sec. 22-1. Use of public right-of-way.

(a) Any use or activity within the public right-of-way shall first require permission from the city council, either directly or as delegated by ordinance, except:

- (1) The regular movement of vehicles and pedestrians when conforming to applicable traffic regulations.
- (2) Landscaping and landscape maintenance not constituting a traffic hazard as determined by the city's traffic engineer.
- (3) Picketing, either for economic or political purposes, when conducted in conformance with Chapter 16 of this Code.
- (4) Any work by public employees or persons under contract to a public agency.
- (5) The proper placement of refuse for collection by city forces.
- (6) United States Postal Service boxes, or individual mailboxes for mail delivered by the postal service, when any such box is kept in good condition and does not constitute a traffic hazard as determined by the city's traffic engineer.
- (7) Receptacles for newspapers only when attached to a support with a mailbox.
- (8) Public utility facilities and operations when in accord with a state or city franchise, applicable plats, and this chapter.

(b) Contractors' trailers, reasonable quantities of material for adjacent construction, and certain structures and/or appendages thereto may be located within the public right-of-way in accord with Chapters 44 and 45 of the Uniform Building Code as adopted by this Code.

(c) The city council hereby delegates the review and approval of requests for neighborhood block parties to the city engineer who may issue a traffic control order permitting such activity.

(Ord. No. 1123, § 2, 4-13-87)

Editors Note: Ord. No. 1123, adopted April 13, 1987, repealed § 22-1 and added a new § 22-1 as herein included. Former § 22-1 concerned uses of streets and sidewalks for merchandise and construction materials.

Cross References: Dogs at large, § 3-17; removal of dead dogs, § 3-33; landing of aircraft, § 4-20 et seq.; building code, § 5-16 et seq.; food-handling facilities, § 9-16 et seq.; garbage, refuse and litter, Ch. 10; junk dealers' place of business, § 13-3; abandoned motor vehicles, § 13-24; miscellaneous licenses, § 15-26 et seq.; solicitors, § 15-100 et seq.; miscellaneous provisions and offenses, Ch. 16; uniform traffic code, § 24-11 et seq.; trees and shrubs, § 26-32 et seq.; vehicles for hire, Ch. 27.



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the current downtown Midland sidewalk use policy authorizes city staff to conduct an annual review process to approve outdoor dining space in the downtown district; and

WHEREAS, the Midland Downtown Development Authority (DDA) seeks to expand the use of downtown sidewalk space and has developed a revised downtown Midland sidewalk use policy to include guidelines and a process for retailers and entertainers to utilize downtown sidewalk space; and

WHEREAS, expansion of said policy allowing city staff to approve use of downtown sidewalk space not only for outdoor dining but for retail and entertainment purposes as well requires action by Midland City Council; now therefore

RESOLVED, that the downtown Midland sidewalk use policy is hereby revised to include staff approval for retailers and entertainers to use the sidewalk space per requirements set forth in the policy.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

13. * Accepting the Application for Waiver and Plan for the MERS defined-benefit pension retirement system for the fiscal year ending June 30, 2017. KEENAN

SUMMARY REPORT TO MANAGER
For City Council Meeting of March 26, 2018

SUBJECT: Application for Waiver and Plan for the Municipal Employees' Retirement System of Michigan (MERS) defined-benefit pension retirement system for 2017

INITIATED BY: David A. Keenan, Assistant City Manager

RESOLUTION

SUMMARY: This resolution accepts the Application for Waiver and Plan for its MERS defined-benefit pension retirement plan for the fiscal year ending June 30, 2017, as provided herewith, and directs staff to make the necessary submission to the Michigan Department of Treasury.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Application for Waiver and Plan
3. Attachments
 - Attachment #1: expanded responses to application
 - Attachment 2a-1: MERS created report to support plan changes and additional funding
 - Attachment 2a-2: MERS 12/31/15 valuation report excerpt to illustrate annual employer contributions
 - Attachment 2a-3: MERS 12/31/16 valuation report excerpt to illustrate annual employer contributions
 - Attachment 2a-4: MERS 12/31/16 valuation report excerpt to illustrate funded percentage
 - Attachment 5a: Council approval of 2018-19 budget objectives to support for making payments in excess of the annual required contribution
4. Resolution

CITY COUNCIL ACTION:

1. 3/5 affirmative vote required



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

March 21, 2018

C. Bradley Kaye, AICP, CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Public Act 202 of 2017 was passed in December of 2017. In response to PA 202, on January 5, 2018, the Michigan Department of Treasury (Treasury) issued Numbered Letter 2018-1 which provides for the Local Government Retirement System Annual Report, a summary report that each local unit of government that sponsors defined-benefit retirement plans is required to submit to Treasury. The City has three defined-benefit retirement plans and submitted a separate report for each. City Council accepted these reports prior to submission, on January 22, 2018.

Each report calculates the plan's funded ratio. For pension plans, if the funded ratio is less than 60% AND the combined annual required contributions of all pension plans are greater than 10% of the local unit's total governmental fund revenue, the plan is considered to be underfunded. For retiree health care plans, if the funded ratio is less than 40% AND the annual required contribution is greater than 12% of the local unit's total governmental fund revenue, the plan is considered to be underfunded.

No further action is required for plans that are not considered underfunded. However, plans that are considered underfunded are required to submit an Application for Waiver and Plan to Treasury which provides guidance as to how the local unit is working towards correcting the underfunded problem.

Only the City's civilian plan, the Municipal Employees' Retirement System of Michigan (MERS) is considered underfunded at 54.7% funded, and requires the submission of the application. The application has several sections that allow the City to explain any changes that have been made to the pension system, plans to provide additional funding, and any other considerations for Treasury as it reviews the application.

March 21, 2018
C. Bradley Kaye, AICP, CFM
Page 2

As with the Annual Report, Treasury requires City Council to approve the Application for Waiver and Plan prior to submission. Attached for Council's consideration is the required submission, together with a resolution accepting the application and directing Staff to submit it to Treasury. A 3/5's affirmative vote is required.

Sincerely,

David A. Keenan, CPA
Assistant City Manager

Protecting Local Government Retirement and Benefits Act

Application for Waiver and Plan:

Defined Benefit Pension Retirement Systems

Issued under authority of Public Act 202 of 2017.

1. MUNICIPALITY INFORMATION

Local Unit Name: City of Midland Six-Digit Muni Code: 562020
 Defined Benefit Pension System Name: Municipal Employees' Retirement System of Michigan
 Contact Name (Administrative Officer): David A. Keenan
 Title if not Administrative Officer: Assistant City Manager
 Email: dkeenan@midland-mi.org Telephone: (989) 837-3329

2. GENERAL INFORMATION

Application for Waiver and Plan: This Application for Waiver and Plan may be filed by any local unit of government with at least one defined benefit pension retirement system that has triggered a preliminary review of underfunded status. In accordance with Public Act 202 of 2017 (the Act), if the state treasurer determines that the underfunded status is adequately being addressed by the local unit of government, the state treasurer shall issue a waiver of the determination of underfunded status. If requesting a waiver, you must submit a separate and unique application for each underfunded retirement system as determined by the *2017 Retirement System Annual Report (Form 5572)*.

Due Date: The local unit of government has **45 days from the date of notification** to complete and file the Application for Waiver and Plan. Failure to file within 45 days will result in a determination of underfunded status for your local unit of government as defined by the Act, and your local unit of government will be required to submit a corrective action plan to the Municipal Stability Board for approval.

Filing: This Application for Waiver and Plan must be approved by the local government's administrative officer and its governing body. **You must provide proof of your governing body approving this Application for Waiver and Plan and attach the documentation as a separate PDF document.** Failure to provide documentation that demonstrates approval from your governing body will automatically result in a denial of the waiver application.

The completed application must be submitted via email to LocalRetirementReporting@michigan.gov. **If you have multiple underfunded retirement systems, you are required to complete separate applications and send a separate email for each underfunded system.** Please attach each application as a separate PDF document in addition to all applicable supporting documentation.

The subject line of the email(s) should be in the following format: **Waiver-2017, Local Unit Name, Retirement System Name** (e.g. Waiver-2017, City of Lansing, Employees' Retirement System Pension Plan). Treasury will send an automatic reply acknowledging receipt of the email. Your individual email settings must allow for receipt of Treasury's automatic reply. This will be the only notification confirming receipt of the application(s).

Considerations for Waiver: A successful Application for Waiver and Plan will demonstrate what your local unit **has already done** to adequately address its underfunded status. Prospective solutions will not be granted merit in determining the outcome of the waiver application (e.g. future amendments to collective bargaining agreements, upcoming millage proposals, potential budget changes, etc.). However, Treasury may consider additional ongoing funding dedicated to your retirement system if those commitments have been formally enacted by the governing body and can be documented. Section three of this waiver application allows the local unit of government to enter a brief description

of prior actions that have already been implemented to adequately address its underfunded status. For purposes of Sec. 6.(1) of the Act, this application will also be considered the plan.

Underfunded status for a defined benefit pension system is defined as being less than 60% funded according to the most recent audited financial statements, and, if the local unit of government is a city, village, township, or county, the actuarially determined contribution for all of the defined benefit pension retirement systems of the local unit of government is greater than 10% of the local unit of government's annual governmental fund revenues, based on the most recent fiscal year.

3. DESCRIPTION OF PRIOR ACTIONS

Prior actions are separated into three categories below: System Design Changes, Additional Funding, and Other Considerations. Please provide a brief description of the prior actions implemented by the local government to address the retirement system's underfunded status within the appropriate category section. Within each category are sample statements that you may choose to use to indicate the changes to your system that will positively affect your funded status. For retirement systems that have multiple divisions, departments, or plans within the same retirement system, please indicate how these changes impact the retirement **system** as a whole.

Please indicate where in the attached supporting documentation these changes are described and the impact of those changes (i.e. what has the local unit of government done to improve its underfunded status, and where can we find the proof of these changes in the supporting documentation?).

Note: Please provide the name of the system impacted, the date you made the change, the relevant page number(s) within the supporting documentation, and the resulting change to the system's funded ratio.

Category of Prior Actions:

- ☒ **System Design Changes** - System design changes may include the following: Lower tier of benefits for new hires, final average compensation limitations, freeze future benefit accruals for active employees in the defined benefit system, defined contribution system for new hires, hybrid system for new hires, bridged multiplier for active employees, etc.

Sample Statement: *The system's multiplier for current employees was lowered from 2.5X to 2X for the **General Employees' Retirement System** on **January 1, 2017**. On page 8 of the attached actuarial supplemental valuation, it shows our funded ratio will be **60%** by fiscal year **2020**.*

Enter System Design Statement here:

See System Design Statement on Attachment #1

- ☒ **Additional Funding** – Additional funding may include the following: voluntary contributions above the actuarially determined contribution, bonding, millage increases, restricted funds, etc.

Sample Statement: *The local unit provided a lump sum payment of **\$1 million** to the **General Employees' Retirement System** on **January 1, 2017**. This lump sum payment was in addition to the actuarially determined contribution (ADC) of the*

system. The additional contribution will increase the retirement system's funded ratio to **61% by 2025**. Please see page 10 of the attached enacted budget, which highlights this contribution of **\$1 million**.

Enter Additional Funding Statement here:

See Additional Funding Statement on Attachment #1.

☐ **Other Considerations** – Other considerations may include the following: outdated Form 5572 information, enterprise fund revenue considerations, actuarial assumption changes, amortization policy changes, etc.

Sample Statement: The information provided on the Form 5572 from the audit used actuarial data from **2015**. Attached is an updated actuarial valuation for **2017** that shows our funded ratio has improved to **62%** as indicated on page 13.

Sample Statement: **50%** of our retirement liabilities are attributable to employees within our enterprise divisions as shown in the attached analysis, yet we could not include enterprise revenue as part of our governmental funds. The attached analysis shows that our revenue ratio (ADC / Total Governmental Funds) would only be **5%** when including enterprise funds within the calculation.

Enter Other Considerations Statement here:

See Other Considerations Statement on Attachment #1

4. DOCUMENTATION ATTACHED TO THIS WAIVER APPLICATION AND PLAN

Documentation must be attached as a .pdf to this waiver application. The documentation must demonstrate the prior actions that have already been implemented to adequately address the local unit of government's underfunded status. Please ensure this documentation directly supports and highlights the systems funded ratio as entered in section three of the waiver application above. Please check all documents that are included as part of this application and attach in successive order as provided below:

Naming convention: when attaching documents please use the naming convention shown below. If there is more than one document in a specific category that needs to be submitted, include a, b, or c for each document. For example, if you are submitting two supplemental valuations, you would name the first document "Attachment 2a" and the second document "Attachment 2b".

Continued on Page 4.

Naming Convention

- ☒ Attachment – I
- ☐ Attachment – Ia
- ☒ Attachment – 2a
- ☐ Attachment – 3a
- ☐ Attachment – 4a
- ☒ Attachment – 5a
- ☐ Attachment – 6a
- ☐ Attachment – 7a

Type of Document**This Waiver Application and Plan (Required)****Documentation from the governing body approving the Waiver Application and Plan (Required)**

Actuarial Analysis (annual valuation, supplemental valuation, projection)

Internally Developed Projection Study

Documentation of additional payments in past years that is not reflected in your audited financial statements (e.g. enacted budget, system provided information).

Documentation of commitment to additional payments in future years (e.g. resolution, ordinance)

A plan that the local unit has already approved to address its underfunded status, which includes documentation of prior actions and the positive impact on the system's funded ratio

Other documentation, not categorized above

5. LOCAL UNIT OF GOVERNMENT'S ADMINISTRATIVE OFFICER APPROVAL OF WAIVER APPLICATION AND PLAN

I David A. Keenan, as the government's administrative officer (enter title)
Assistant City Manager (Ex: City/Township Manager, Executive director, Chief Executive Officer,
 etc.) approve this Application for Waiver and Plan. We are requesting a waiver of underfunded status, because we
 have already implemented substantial changes to our retirement system as described above.

I confirm to the best of my knowledge that because of the changes listed above the following statement will occur:

The Retirement Pension System listed below will achieve a funded status of at least 60% by the Fiscal Year listed below.

Retirement Pension System Name: MERS Fiscal Year: 2022

Signature: David A. Keenan

Date: 03/21/2018

ATTACHMENT #1

SYSTEM DESIGN STATEMENT

The defined benefit pension plan was closed to new entrants as of 7/1/2005. All active employees who still earn benefits in the MERS plan have accepted reductions in benefits as follows:

1. Bridged benefits from a 2.5% multiplier to a 2.25% multiplier: Steelworkers effective 1/1/17; Unclassified and Confidential effective 1/1/17; Supervisors effective 1/1/18; MMEA effective 1/1/18.
2. Accumulated paid time off banks excluded from FAC calculation with the same effective dates as #1. FAC compensation = base wages + overtime ONLY.
3. All employees contribute towards the cost of their pension with the effective dates as #1 and #2: Steelworkers @ 3%; Unclassified and Confidential @ 5%; MMEA @ 2% (will increase to 3% next year); Supervisor at 2% (will increase to 3% next year).
4. New hires are placed in a Hybrid Plan with a 1.0 multiplier for the DB portion, with the total benefit cost capped at 12% of the employee's eligible compensation, which is the same limit as the defined contribution plan.

MERS has prepared a document (Attachment 2a-1) that shows the changes discussed above, and when they are to become effective. Note that not all were effective for the preparation of the most recent actuarial study. The 2017 study will not be available until May or June of 2018.

ADDITIONAL FUNDING STATEMENT

The City has made it a priority to not only budget to pay the ARC for all the MERS defined benefit plan, but also to make additional payments to MERS to be applied towards the unfunded liability. The last page of the MERS prepared document (Attachment 2a-1) provides information about the additional payments being made by the City throughout the year.

OTHER CONSIDERATION STATEMENT

The ARC for the current year ending June 30, 2018, is currently reported in the 2015 actuarial report (Attachment 2a-2) as \$6,731,568. This was calculated prior to any of the changes discussed under System Design Statement were put in place. Current actual billings from MERS at \$5.6 million. The City will pay \$6.9 million. For the 2018/19 year, the ARC was projected to climb to \$7,553,884 based upon the 2015 study projection. After some of the changes discussed were put into place, the 2016 actuarial study (Attachment 2a-3) now projects the ARC to be \$5,529,408. The City will pay \$6.5 million plus the contributions from the employees. The 2017 actuarial study, which is yet to be released will include the concessions of the Supervisors and

the MMEA union groups, which were not included in the 2016 study. Hopefully there will be another positive impact on the required contributions. The City will continue to pay \$6.5 million with the additional funds to pay down the unfunded liability.

The funded percentage curve (Attachment 2a-4) is from the 12/31/16 actuarial report and does not include all of the changes mentioned herein, nor does it include the City's commitment to make additional funding above the ARC. The graph shows reaching 60% funded by 2022. Sans any other changes other than those mentioned herein, the City should achieve that funding level earlier than 2022.

City of Midland #5601 MERS Defined Benefit Plan				
01 - Senior Schwrtz: Closed to new hires, Linked to Division HA				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level
Benefit Multiplier	Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max)		Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max)	
Bridge Benefit Date	12/31/2016		12/31/2016	
Normal Retirement Age	60		60	
Vesting	10 years		10 years	
Early Retirement (Unreduced)	55/20		55/20	
Early Retirement (reduced)	50/25		50/25	
Final Average Compensation	55/15		55/15	
COLA for Future Retirees	3 years		3 years	
COLA for Current Retirees	2.50% (Non-Compound)		2.50% (Non-Compound)	
Employee Contributions	2.50% (Non-Compound)		2.50% (Non-Compound)	
DC Plan for New Hires	2.00%		3.00% (01/01/2018)	
Act 88	Yes (Adopted 10/30/1967)	55.9%	Yes (Adopted 10/30/1967)	n/a - changes already reflected in 2016 AAV
10 - Grrl MMEA: Closed to new Hires, Linked to Division HA				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level
Benefit Multiplier	2.50% Multiplier (80% max)		Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max) *effective 01/01/2018	
Bridge Benefit Date			12/31/2017	
Normal Retirement Age	60		60	
Vesting	10 years		10 years	
Early Retirement (Unreduced)	55/20		55/20	
Early Retirement (reduced)	50/25		50/25	
Final Average Compensation	55/15		55/15	
COLA for Future Retirees	3 years		3 years	
COLA for Current Retirees	2.50% (Non-Compound)		2.50% (Non-Compound)	
Employee Contributions	2.50% (Non-Compound)		2.50% (Non-Compound)	
DC Plan for New Hires	0.00%		2.00% (01/01/2018)	
Definition of Compensation	7/1/2005		Closed to HA (Hybrid) *effective 01/01/2018	
Act 88	Yes (Adopted 10/30/1967)	59.2%	Base Wages + Overtime Only *effective 01/01/2018	63.3% *Based on Supplemental Valuation dated 08/16/2017
11 - Grrl Sprvrs: Closed to new hires				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level
Benefit Multiplier	2.50% Multiplier (80% max)		Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max) *effective 01/01/2018	
Bridge Benefit Date			12/31/2017	
Normal Retirement Age	60		60	
Vesting	10 years		10 years	
Early Retirement (Unreduced)	55/25		55/25	
Early Retirement (reduced)	50/25		50/25	
Final Average Compensation	55/15		55/15	
COLA for Future Retirees	3 years		3 years	
COLA for Current Retirees	2.50% (Non-Compound)		2.50% (Non-Compound)	
Employee Contributions	2.50% (Non-Compound)		2.50% (Non-Compound)	
DC Plan for New Hires	0.00%		2.00% (01/01/2018)	
Definition of Compensation	7/1/2005		Closed to HA (Hybrid) *effective 01/01/2018	
Act 88	Yes (Adopted 10/30/1967)	47.2%	Base Wages + Overtime Only *effective 01/01/2018	48.4% *based on Supplemental Valuation dated 10/13/2017
12 - Grrl Unclss: Closed to new hires, linked to Division HA				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level

Benefit Multiplier	Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max)		Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max) <i>*effective 01/01/2017</i>	
Bridge Benefit Date	12/31/2016		12/31/2016	
Normal Retirement Age	60		60	
Vesting	10 years		10 years	
Early Retirement (Unreduced)	55/25		55/25	
Early Retirement (reduced)	50/25		50/25	
Final Average Compensation	55/15		55/15	
COLA for Future Retirees	5 years		5 years	
COLA for Current Retirees	2.50% (Non-Compounded)		2.50% (Non-Compounded)	
Employee Contributions	2.50% (Non-Compounded)		2.50% (Non-Compounded)	
DC Plan for New Hires	5.00%		5.00%	
Definition of Compensation			Base Wages + Overtime Only <i>*effective 01/01/2017</i>	n/a - changes already reflected in 2016 AAV
Act 88	Yes (Adopted 10/30/1967)	67.1%	Yes (Adopted 10/30/1967)	
13 - City Mgr Atty. Closed to new hires DC				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level
Benefit Multiplier	2.50% Multiplier (80% max)		Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max) <i>*effective 01/01/2017</i>	
Bridge Benefit Date	-		12/31/2016	
Normal Retirement Age	60		60	
Vesting	10 years		10 years	
Early Retirement (Unreduced)	55/20		55/20	
Early Retirement (reduced)	50/25		50/25	
Final Average Compensation	55/15		55/15	
COLA for Future Retirees	5 years		5 years	
COLA for Current Retirees	2.50% (Non-Compound)		2.50% (Non-Compound)	
Employee Contributions	2.50% (Non-Compound)		2.50% (Non-Compound)	
DC Plan for New Hires	5.00%		5.00%	
Definition of Compensation			Base Wages Only <i>*effective 01/01/2017</i>	34.8% <i>*Based on Supplemental Valuation dated 08/16/2017</i>
Act 88	Yes (Adopted 10/30/1967)	30.5%	Yes (Adopted 10/30/1967)	
15 - Attorney: Open Division				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level
Benefit Multiplier	2.50% Multiplier (80% max)		Bridged Benefit: 2.50% Multiplier (80% max) Frozen FAC; to 2.25% Multiplier (80% max) <i>*effective 07/01/2017</i>	
Bridge Benefit Date	-		6/30/2017	
Normal Retirement Age	60		60	
Vesting	10 years		10 years	
Early Retirement (Unreduced)	55/15		55/15	
Early Retirement (reduced)	50/25		50/25	
Final Average Compensation	5 years		5 years	
COLA for Future Retirees	2.50% (Non-Compounded)		2.50% (Non-Compounded)	
COLA for Current Retirees	-		-	
Employee Contributions	5.00%		5.00%	
DC Plan for New Hires			Base Wages Only <i>*effective 07/01/2017</i>	94.1% <i>*Based on Supplemental Valuation dated 08/16/2017</i>
Definition of Compensation			Yes (Adopted 7/1/2007)	
Act 88	Yes (Adopted 7/1/2007)	81.1%	Yes (Adopted 7/1/2007)	
HA-Eligible New Hires (01/01/2017)				
	2016 Valuation Provisions	2016 Funded Level	2017 Valuation Provisions	2017 Funded Level
Benefit Multiplier			1.0% Multiplier (No-Max)	
Bridge Benefit Date			-	
Normal Retirement Age			60	
Vesting			6 years	

Early Retirement (Unreduced)	-	-	
Early Retirement (reduced)	-	-	
Final Average Compensation	-	3 years	
COLA for Future Retirees	-	-	
COLA for Current Retirees	-	-	
Employee Contributions	-	12% cap, cap is defined as a total of both defined benefit and defined contribution portion of Hybrid	
DC Plan for New Hires	-	-	
Definition of Compensation	-	Base Wages + Overtime Only	
Act 88	-	Yes (Adopted 7/1/2007)	*will be determined in 12/31/2017 Valuation

S1-Surplus Unassociated (01/01/2018)

	2016 Date of contribution	2016 Amount contributed	2017 Date of contribution	2017 Amount contributed
Contributions into Division			1/31/2018	\$ 294,030.58
			2/28/2018	\$ 306,791.21
				\$ 600,821.79

Additional Contributions made since 12/31/2015

Division	Date	Amount
01-Senior Stlwrk	6/30/2017	\$ 101,135.00
01-Senior Stlwrk	8/7/2017	\$ 177,593.00
10-Gnrl MMEA	6/3/2017	\$ 59,143.00
10-Gnrl MMEA	8/7/2017	\$ 99,561.00
11 - Gnrl Sprvrs	6/30/2017	\$ 44,490.00
11 - Gnrl Sprvrs	8/7/2017	\$ 71,653.00
12-Gnrl Unclass	6/30/2017	\$ 38,943.00
12-Gnrl Unclass	8/7/2017	\$ 68,236.00
13 - City Mgr Atty	4/30/2017	\$ 5,548.27
13 - City Mgr Atty	6/30/2017	\$ 5,772.00
13 - City Mgr Atty	8/7/2017	\$ 5,784.00
15 - Attorney	6/30/2017	\$ 517.00
15 - Attorney	08/07/2017/	\$ 1,585.00
Total Additional Contributions		
*Includes Additional Contributions & Surplus Division Assets		\$ 1,280,782.06

MERS 12/31/15 Actuarial Valuation
Attachment 2a-2

MIDLAND, CITY OF (5601)

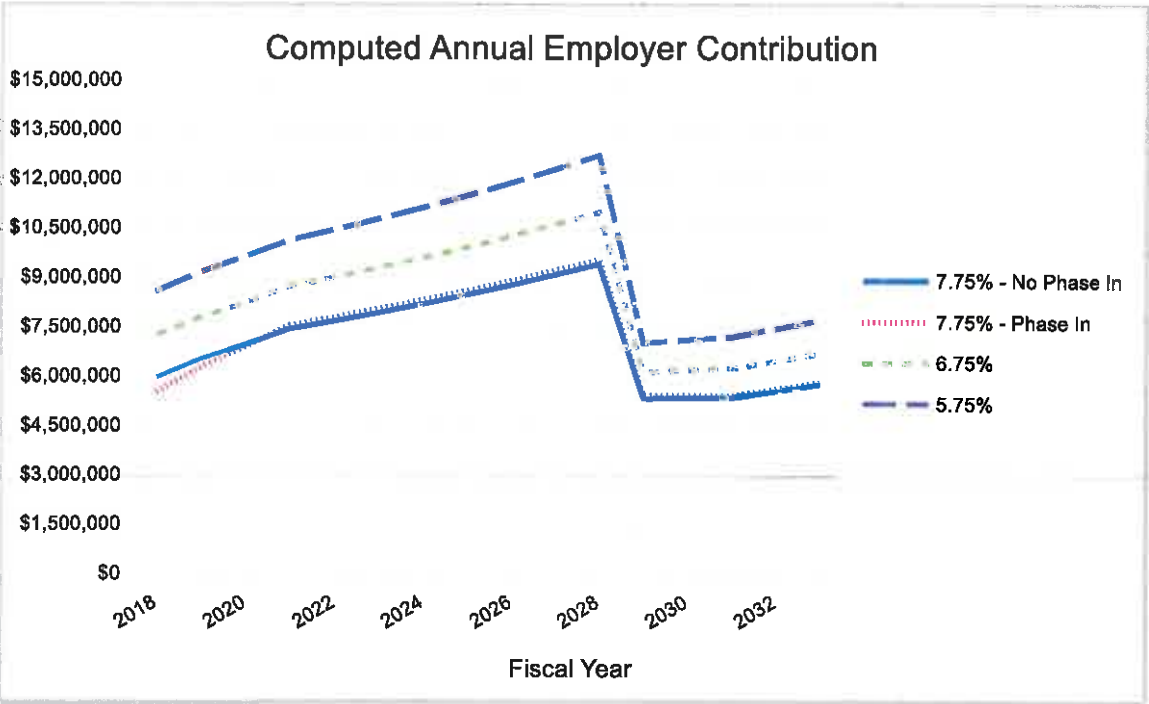
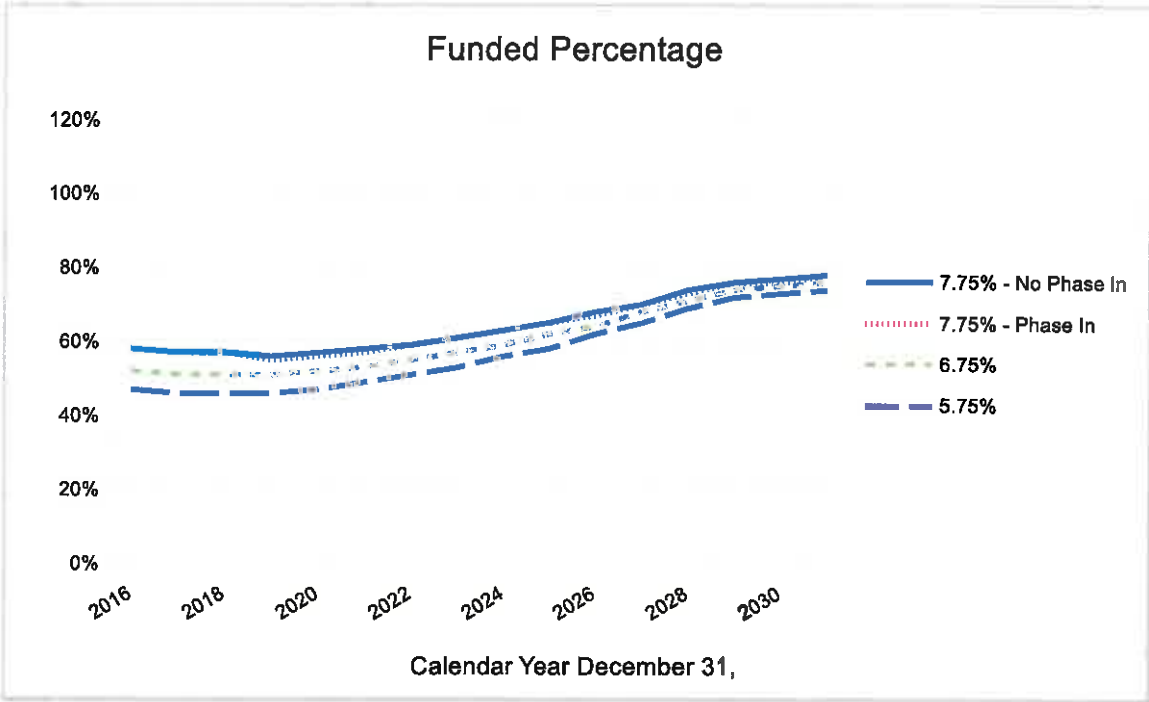
Valuation Year Ending 12/31	Fiscal Year Beginning 7/1	Actuarial Accrued Liability	Valuation Assets	Funded Percentage	Computed Annual Employer Contribution
7.75% Assumed Interest Discount Rate and Future Annual Market Rate of Return					
WITH 5-YEAR PHASE-IN					
2015	2017	\$ 145,190,668	\$ 82,338,183	57%	\$ 6,731,568
2016	2018	147,950,135	82,551,406	56%	7,553,844
2017	2019	150,486,478	82,921,634	55%	8,422,200
2018	2020	152,603,373	83,380,444	55%	9,308,016
2019	2021	154,298,459	84,183,448	55%	10,205,292
2020	2022	155,627,422	87,944,198	57%	10,558,248
NO 5-YEAR PHASE-IN					
2015	2017	\$ 145,190,668	\$ 82,338,183	57%	\$ 7,590,528
2016	2018	147,950,135	82,551,406	56%	8,097,696
2017	2019	150,486,478	83,401,331	55%	8,660,484
2018	2020	152,603,373	84,642,200	56%	9,268,272
2019	2021	154,298,459	85,910,949	56%	9,919,764
2020	2022	155,627,422	89,900,877	58%	10,263,444
6.75% Assumed Interest Discount Rate and Future Annual Market Rate of Return					
NO 5-YEAR PHASE-IN					
2015	2017	\$ 160,870,610	\$ 82,338,183	51%	\$ 9,245,400
2016	2018	163,626,002	81,766,638	50%	9,758,928
2017	2019	166,117,041	82,709,002	50%	10,321,500
2018	2020	168,142,830	84,889,248	51%	10,932,852
2019	2021	169,702,002	87,038,597	51%	11,602,092
2020	2022	170,854,549	92,028,903	54%	11,974,104
5.75% Assumed Interest Discount Rate and Future Annual Market Rate of Return					
NO 5-YEAR PHASE-IN					
2015	2017	\$ 179,486,100	\$ 82,338,183	46%	\$ 11,095,644
2016	2018	182,195,463	80,981,624	44%	11,616,372
2017	2019	184,592,673	82,130,292	45%	12,177,444
2018	2020	186,471,296	85,456,906	46%	12,793,308
2019	2021	187,831,253	88,668,685	47%	13,483,332
2020	2022	188,738,371	94,410,610	50%	13,938,816

MERS 12/31/16 Actuarial Report
Attachment 2a-3

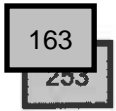
MIDLAND, CITY OF (5601)

Valuation Year Ending 12/31	Fiscal Year Beginning 7/1	Actuarial Accrued Liability	Valuation Assets	Funded Percentage	Computed Annual Employer Contribution ¹
7.75% Assumed Interest Discount Rate and Future Annual Market Rate of Return					
WITH 5-YEAR PHASE-IN					
2016	2018	\$ 144,804,461	\$ 83,248,979	58%	\$ 5,529,408
2017	2019	146,600,000	83,800,000	57%	6,300,000
2018	2020	148,100,000	83,700,000	57%	6,930,000
2019	2021	149,400,000	82,800,000	55%	7,580,000
2020	2022	150,400,000	84,500,000	56%	7,830,000
2021	2023	151,200,000	86,700,000	57%	8,080,000
NO 5-YEAR PHASE-IN					
2016	2018	\$ 144,804,461	\$ 83,248,979	58%	\$ 5,994,096
2017	2019	146,600,000	83,800,000	57%	6,560,000
2018	2020	148,100,000	83,900,000	57%	7,000,000
2019	2021	149,400,000	83,400,000	56%	7,480,000
2020	2022	150,400,000	85,400,000	57%	7,720,000
2021	2023	151,200,000	87,600,000	58%	7,980,000
6.75% Assumed Interest Discount Rate and Future Annual Market Rate of Return					
NO 5-YEAR PHASE-IN					
2016	2018	\$ 159,816,116	\$ 83,248,979	52%	\$ 7,278,936
2017	2019	161,500,000	83,000,000	51%	7,820,000
2018	2020	162,900,000	83,000,000	51%	8,270,000
2019	2021	164,100,000	83,000,000	51%	8,760,000
2020	2022	164,900,000	85,400,000	52%	9,040,000
2021	2023	165,500,000	88,200,000	53%	9,330,000
5.75% Assumed Interest Discount Rate and Future Annual Market Rate of Return					
NO 5-YEAR PHASE-IN					
2016	2018	\$ 177,555,494	\$ 83,248,979	47%	\$ 8,613,588
2017	2019	179,100,000	82,200,000	46%	9,200,000
2018	2020	180,400,000	82,100,000	46%	9,680,000
2019	2021	181,300,000	82,700,000	46%	10,200,000
2020	2022	181,900,000	85,700,000	47%	10,500,000
2021	2023	182,300,000	89,100,000	49%	10,800,000

¹ The above required annual employer contribution does not reflect future changes in the employee contribution rates due to the impact of a cap, if any, on employer contributions.



¹ The above required annual employer contribution does not reflect future changes in the employee contribution rates due to the impact of a cap, if any, on employer contributions.



Attachment 5A

SUMMARY REPORT TO CITY MANAGER for City Council Meeting of January 22, 2018

SUBJECT: City Council Budget Objectives for FY 2018-19

INITIATED BY: City Manager

RESOLUTION SUMMARY: This resolution receives the City Council Budget Objectives for FY 2018-19 report.

ITEMS ATTACHED:

1. Letter to City Council.
2. Resolution.

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution.

C. Bradley Kaye, AICP CFM
City Manager



Date: January 15, 2018

STAFF REPORT TO THE CITY COUNCIL CITY COUNCIL BUDGET OBJECTIVES FOR FY 18-19

REPORT

During the annual City Council planning retreat of January 13, 2018, Councilmen reviewed current and future financial concerns. At the conclusion of that session Council expressed its expectations regarding the basic approach to be taken in developing the Fiscal Year 2018-2019 budget. Following is a basic summary of those expectations:

Budget Directives

The City Council anticipates that the following directives will be addressed as staff prepares the FY 2018-2019 budget:

- Public services, with particular emphasis on public safety, will be maintained at the highest level possible under current economic and budget conditions.
- The total millage rate should be maintained at FY 17/18 level of 15.14 mills.
- Personal property tax reimbursement proceeds received in FY 17/18 that are in excess of budget will be used to:
 - Increase the General Fund Unreserved Fund Balance to \$6.0 million, which includes the \$1.5 million Reserve for Contingencies within the General Fund fund balance that will no longer be reported as a separate component.
 - Balance the FY 18-19 General Fund budget, with any remaining proceeds to be earmarked within the General Fund fund balance for future fiscal years' budget stabilization efforts.
- Continue to reduce the City's unfunded liabilities by budgeting funding in excess of the annual required contributions for each of the City's three defined-benefit plans.

General Directives

The City Council also anticipates that the following associated directives will be considered as staff addresses other financial concerns in FY 2018-2019:

- Funds shall be carried forward from the FY 2017-18 budget to undertake a citizen engagement process and explore citizen fiscal priorities in preparation for future fiscal year budgeting, similar to past budget roundtable exercises.

This report broadly outlines the direction Council wishes to convey to staff with regard to development of the Fiscal Year 2018-2019 budget.

Respectfully Submitted,

C. Bradley Kaye, AICP CFM
City Manager



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, on January 13, 2018 the City Council conducted a planning retreat for the purpose of discussing current and future financial concerns; and

WHEREAS, at the conclusion of that session Council expressed their expectations regarding the basic approach to be taken in developing the Fiscal Year 2018-2019 budget; and

WHEREAS, during their regular meeting of January 22nd the City Council reviewed and affirmed those expectations embodied in a report of January 17, 2018 titled: *City Council Budget Objectives for FY 18-19*; now therefore

RESOLVED, that the report *City Council Budget Objectives for FY 18-19* is hereby received.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, January 22, 2018.

Selina Tisdale, City Clerk



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, on January 5, 2018, the Michigan Department of Treasury (Treasury) issued Numbered Letter 2018-1 in response to Public Act 202 of 2017, requiring each local unit of government that sponsors a defined-benefit retirement system that is determined by Treasury to be underfunded to submit an Application for Waiver and Plan to Treasury; and

WHEREAS, the governing body of the local governmental unit is required to accept this plan prior to submission to Treasury; and

WHEREAS, the City of Midland sponsors three defined-benefit retirement systems, of which one, the Municipal Employees' Retirement System of Michigan was determined to be underfunded by Treasury; now therefore

RESOLVED, the City Council of the City of Midland hereby accept the Application for Waiver and Plan for the fiscal year ending June 30, 2017, as presented, and directs city staff to submit said report to Treasury by April 16, 2018.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

14. * Receiving and filing the 2018 Annual Sidewalk Improvement Program with no public petitions received and ends the sidewalk consideration for the current year.
FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: 2018 Annual Sidewalk Improvement Program

INITIATED BY: City of Midland Code of Ordinances – Section 22-16

RESOLUTION

SUMMARY: This resolution acknowledges that no petitioned sidewalks were received and ends the sidewalk consideration for the current year Annual Sidewalk Improvement Program.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Previously, the annual sidewalk report identifying locations not having sidewalks on city streets was prepared and presented to City Council. After the report is submitted, consideration is given to include sidewalk locations through the annual sidewalk improvement program. This process also includes soliciting requests from residents for new sidewalk locations. Requests for new sidewalks are referred to the City Engineering Department and maintenance requests are referred to the Department of Public Services.

This year, no requests for sidewalks were received based on the public notice process. City Council can add sidewalks to the annual Sidewalk Improvement Program at the March 26 meeting if so desired.

As no sidewalk requests have been received, a resolution has been prepared that will terminate the 2018 Sidewalk Improvement Program at this step. Any additional sidewalk requests by the Council can be added to the resolution as a result of the discussion at the Council meeting on March 26, 2018.

In the event that Council selects any sidewalks to move forward as part of the annual Sidewalk Improvement Program, cost estimates will be developed for the April 9, 2018 Council meeting. This will determine the city and property owner cost shares.

Sincerely,

Joshua N. Fredrickson
City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, annually the City Council has under consideration the construction of concrete sidewalks, to be financed in part by special assessment; and

WHEREAS, no sidewalk locations were petitioned or included for consideration for the 2018 Sidewalk Improvement Program; now therefore

RESOLVED, that no additional consideration be made for sidewalks to be included as part of the annual Sidewalk Improvement Program or be installed in the current year in conformance with the provisions of Chapter 20 of the Code of Ordinances of the City of Midland, Michigan.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

15. Receiving and filing a report and update on Forestry's Emerald Ash Borer program. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Update on Forestry's Emerald Ash Borer program

INITIATED BY: Department of Public Services

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

Receive and file

Karen Murphy
City of Midland Department of Public Services

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Emerald Ash Borer (EAB) was first identified in Midland in 2007 when several ash trees at the Midland Armory showed signs of infestation. In response, the Forestry Division put together a multi-year program to combat Emerald Ash Borer in City-owned ash trees and funding was secured in FY 2011/12 with a starting budget of \$500,000. Here is a brief summary of the program to date:

- In order to gauge the scope of potential infestation, the City hired an urban forestry consultant in 2011 to conduct a random sampling of four (4) percent of the street trees lining the city outlaws to determine the number of ash trees as well as the size and health of the trees. The study only involved City-owned outlawn trees (located between the sidewalk and the curb). The study estimates a total of 28,000 outlawn trees of various species, with approximately 20% (or 4,000) of these trees being a type of ash, including Green Ash, White Ash and Black Ash. This estimate was used to develop the necessary budget to start the program as well as to establish a scope of the amount of work that would be required.
- Forestry staff next created a physical inventory of all ash trees that would be included in the EAB program. Staff tagged all street side ash trees and gathered GPS location data for each tree, along with tree size, condition and recommendation for treatment or removal. Forestry staff also visited each park and identified the trees to be treated versus those that would be removed. The inventory is updated on a biannual basis as trees are re-evaluated for condition and retreatment purposes.



C. Bradley Kaye
March 21, 2018
Page Two



- Since the discovery of EAB in Midland, the City has stopped planting ash trees and has been removing infected trees that are deemed safety hazards or have other reasons for removal (i.e. overhead wire interference, too large for outlawn space). The City is also collaborating with Consumers Energy to remove ash trees located near electrical lines rather than pruning these trees.
- In order to ensure the best possible approach to combating EAB, the City forestry supervisor sought advice from Michigan State University's School of Natural Resources. MSU professors and researchers, Dr. David Smitley (entomology) and Dr. David Roberts (plant pathology), performed testing of EAB pesticides in select Midland neighborhoods and in return, offered expert advice to our staff with regard to treatment options and treatment intervals. Forestry continues to work with MSU on a regular basis to get the most up-to-date recommendations on EAB protocol. This has proven to be a wonderful partnership, as the City has been able to provide MSU with specimen trees to study and the City has a direct line for any concerns or questions that arise related to EAB.
- The City developed a multi-year plan to remove or treat all ash trees located on City property with injections of systemic pesticide. The product being used to treat the ash was recommended by MSU and is called Tree-Age G4 (Emamectin Benzoate) produced by the Arbor Jet company. All untreated ash trees will eventually die and require removal. EAB survey crews worked in neighborhoods identifying ash trees and marking them for either treatment or removal. Ash trees marked with a green dot and tagged with an inventory tag were to be treated with a trunk injection of the systemic insecticide to help protect them from EAB. Ash trees marked with a green "X" were chosen to be removed based on various criteria:
 - Too much EAB damage to save the tree
 - Wrong tree for the location (power lines, sidewalk and driveway damage, etc.)
 - Poor growth condition (dead limbs, cavities, decline, scale, etc.)
- Tree removal and systemic trunk injections with pesticides to combat EAB damage, have been performed on a rotating yearly schedule by City of Midland crews as well as contractors working for the City of Midland since 2011/12. There is no guarantee that because a tree has been treated it will survive indefinitely. City crews are continually re-evaluating trees annually to see if the trees are responding well to treatment. Only those trees that are responding well to treatment will remain in the management program – those that are not responding well are scheduled for removal.

C. Bradley Kaye

March 21, 2018

Page Three

- Treatment of ash trees was originally scheduled and conducted every other year so each tree under treatment would get reinjected every 2 years. As research has continued on the types of pesticides that are most effective in combating EAB, the treatment interval has been stretched out to every 3 years. MSU will be providing an evaluation of City trees in the next year to see whether this treatment interval can be lengthened even more as insect pressure diminishes. This would save money on treatment while allowing the City to maintain a sizable inventory of healthy ash trees.
- Tree replacement is scheduled as deemed appropriate where ash trees have been removed. The ideal goal for tree replacement in an urban setting would be a one to one replacement so as not to have any canopy loss, but this is not always feasible. Not all sites are suitable for a replacement tree and the foresters make this decision. Also, if a resident does not wish to have a replacement tree planted, the City honors that request.

Through FY 2017/18, the City has budgeted \$1,308,500 (which includes the initial \$500,000 amount from 2011/12) for the EAB program. In order to make these funds stretch as far as possible, the EAB program uses a combination of in-house services and contracted services. We have found it most cost effective to have the in-house forestry crew perform all street side removal of ash trees and the majority of park removals. Larger removal projects that involve access across private property have been contracted out. In order to free up the forestry crew to be able to handle these additional removals, contractors have been hired to do stump removals and to plant replacement trees. Treatment of ash trees has been done with a combination of in-house and contracted labor, with the City purchasing the insecticide to ensure that the desired product is used and that the City receives optimal volume pricing as the product is expensive.

To date, forestry has removed about 1,000 street side ash trees and has another 2,300 under treatment. The cost to the City to treat an average street side ash tree is about \$55 per tree every three years. While treatment will never be a cure for EAB, it does allow healthy ash trees to continue to survive and provide the benefits of a mature street side tree, including providing shade and assisting with storm water runoff.

Currently, all the ash trees in major parks that forestry wishes to retain are up-to-date on treatment and doing well. Of concern going forward are City-owned naturalized areas where ash trees are not being treated. Larger removal projects have already been undertaken at Washington Woods, where 220 ash trees were removed, Meadowbrook Park where over 200 ash trees were removed, the disc golf course where 100 ash trees were removed, and several smaller clusters of removals in Sunset Park. Future removal projects are needed at Barstow Woods, along with other wild drainage areas maintained by the City as there are a lot of standing dead ash in these areas.

C. Bradley Kaye
March 21, 2018
Page Four

The EAB program will need to remain in place as long as the City wishes to continue supporting their inventory of mature, healthy ash trees. The cost to support the program will begin to trend downward as the larger stands of dead ash trees are removed from naturalized areas. At that point, the City will be left with just the cost of ongoing treatment as removals will be wrapped up and tree replacement will level off. The FY 2018/19 Forestry budget has a proposed EAB budget request of \$120,000, with similar annual requests going forward each year. Recurrent treatment of ash trees will ensure continuation of green neighborhoods while new tree stock has time to grow in and establish a nice tree canopy before the mature ash trees are all removed.

Sincerely,



Karen Murphy
Department of Public Services



EAB damage under the
bark layer of an ash tree



A healthy street side ash tree under
treatment in Midland



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BY COUNCILMAN

RESOLVED, that the City Council hereby receives and files the staff report, dated March 21, 2018, providing an update on Forestry's Emerald Ash Borer program.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeaya vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

16. * E10 Ethanol Blend Fuel purchase from February 26. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Approve Fuel Purchase from February 28, 2018

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution waives the requirement for sealed proposals and approves the purchase of 13,393 gallons of E10 ethanol blend unleaded fuel from Super Flite Oil for \$22,761.40 that was executed by the Senior Procurement Accountant on February 28, 2018.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 4/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

At their December 17, 2007 meeting, City Council adopted a resolution that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting. Fuel is ordered on an as needed basis to maintain an adequate supply to meet the demand of the city fleet as well as to keep a reserve on hand to cover any unanticipated increase in usage. This process was reviewed by City Council on December 21, 2009 and is still deemed to provide significant cost savings to the City.

Fuel is purchased through a competitive bid process whereby the Senior Procurement Accountant emails a request for a price per gallon for unleaded and/or diesel fuel to a list of fuel suppliers. Interested suppliers email their prices the following morning. Due to the volatility of the fuel market, pricing is only valid for the remainder of that day. The fuel purchase is awarded to the lowest price supplier, and the fuel delivery is scheduled for that same day.

It should be noted that approval of fuel purchases will require a 4/5 vote due to the need to waive the requirement for sealed proposals as a result of the above-described bidding process.

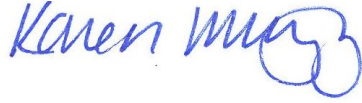
Bids were received using this process on February 28, 2018 for 13,393 gallons of E10 ethanol blend unleaded fuel. Bids were received as follows:

Super Flite Oil, Saginaw, MI	E10 Ethanol Blend Unleaded Fuel	\$1.6995/gallon
Tri-Lakes Petroleum, Alma, MI	E10 Ethanol Blend Unleaded Fuel	\$1.7038/gallon

The low bid was received from Super Flite Oil of Saginaw, Michigan, with a price of \$1.6995 per gallon. The unit price includes the delivery charge, and the total purchase price was \$22,761.40 for 13,393 gallons of fuel delivered.

We are requesting that Council waive the requirements for sealed bids, and approve the purchase of 13,393 gallons of E10 ethanol blend unleaded fuel from Super Flite Oil for \$22,761.40 that was executed by the Senior Procurement Accountant on February 28, 2018.

Sincerely,

A handwritten signature in blue ink that reads "Karen Murphy". The signature is written in a cursive style, with the first name "Karen" and the last name "Murphy" clearly legible.

Karen Murphy
Department of Public Services



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BY COUNCILMAN

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors email prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,393 gallons of E10 ethanol blend unleaded fuel from Super Flite Oil of Saginaw, Michigan for \$22,761.40 executed by the Senior Procurement Accountant on February 28, 2018, is hereby approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

17. * Approving purchase order to Recreonics, Inc. for a new water slide for Plymouth Pool. MURPHY

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Purchase of a replacement water slide for Plymouth Pool

INITIATED BY: Department of Public Services

RESOLUTION SUMMARY: This resolution authorizes a purchase order in the amount of \$20,477.27 to Recreonics, Inc., of Louisville, Kentucky for the purchase of a water slide for Plymouth Pool.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Karen Murphy
City of Midland Department of Public Services



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The existing water slide at Plymouth Pool was installed in the mid-1990's and is experiencing corrosion issues. Due to the age of the slide, repair parts are no longer available and fabricating the parts needed for a proper repair is cost prohibitive. Therefore, proposals were sought for a new water slide with bids publicly opened and read by the Senior Procurement agent for Bid No. 3937, "Plymouth Pool Water Slide" on March 6, 2018. Bids were received as follows:

Bidder	Cost
Recreonics, Inc. of Louisville, Kentucky	\$20,477.27
Clearwater Pool & Spa of Livonia, Michigan	\$25,930.52



The low bid offered by Recreonics, Inc. of Louisville, Kentucky meets the bid specifications. The slide will be installed by the in-house parks maintenance staff and will be available for use by the opening of swim season. There are adequate funds in the FY 2017/18 Parks Play Equipment budget for the replacement slide. Therefore, we recommend that the Senior Procurement Accountant be authorized to issue a purchase order to the selected vendor, Recreonics, Inc. of Louisville, Kentucky, in the amount of \$20,477.27 for the purchase of the replacement water slide for Plymouth Pool.

Sincerely,

Karen Murphy
Department of Public Services

Ashley Errer
Department of Fiscal Services



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BY COUNCILMAN

WHEREAS, sealed proposals were advertised and received on March 6, 2018 in accord with Article II of Chapter 2 of the Midland Code of Ordinances for Bid No. 3937, Plymouth Pool Water Slide; and

WHEREAS, sufficient funding for the replacement slide is included in the FY 2017-18 Parks Play Equipment budget to replace the existing slide at the pool; now therefore

RESOLVED, that the Senior Procurement Accountant is authorized to issue a purchase order to the low bidder, Recreonics, Inc. of Louisville, Kentucky, in the amount of \$20,477.27 for the purchase of a replacement water slide for Plymouth Pool.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeaya vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018

Selina Tisdale, City Clerk

Backup material for agenda item:

18. * Authorizing purchase order to replace the fire alarm system at the Grace A. Dow Memorial Library. BARNARD

**SUMMARY REPORT TO THE CITY MANAGER
for City Council meeting of March 26, 2018**

SUBJECT: Authorize a purchase order to replace the fire alarm system at the Grace A. Dow Memorial Library

INITIATED BY: Melissa Barnard, Library Director

RESOLUTION

SUMMARY: This resolution authorizes a purchase order to Fire Pros, Inc. in an amount not to exceed \$58,559.00 to replace the fire alarm system at the Grace A. Dow Memorial Library, and further provides the City Manager authorization to approve change orders not to exceed \$5,856 in total.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

CITY COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Melissa Barnard
City of Midland Grace A. Dow Memorial Library



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The fire alarm system at the Grace A. Dow Memorial Library is over 20 years old and replacement parts are no longer available. The system also does not meet the current code requirements for the size of the building, including an emergency voice/alarm communications system. In order to provide a safe environment for our staff and patrons, and ensure that the building has a reliable fire notification system, the fire alarm system needs to be replaced.

Sealed bids for Bid #3938, Fire Alarm System, were opened on Tuesday, March 6, 2018. The bids received are as follows:

Fire Pros, Inc. Grand Rapids MI	\$58,559.00
Veteran's Alarm, Midland, MI	\$77,510.02

Staff recommends that the low bid of \$58,559.00 submitted by Fire Pros, Inc. be accepted and a purchase order authorized, with the City Manager authorized to approve change orders not to exceed \$5,856.00 in total. The library has requested a check from its trust account at the Mideastern Michigan Library Cooperative to fund the purchase. These funds, together with the associated expense, will be included in the 2017-2018 amended city budget that will be presented to Council in April.

Sincerely,

Melissa Barnard

Melissa Barnard
Library Director

Ashley Errer
Senior Procurement Accountant



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BY COUNCILMAN

WHEREAS, the fire alarm system at the Grace A. Dow Memorial Library is over 20 years old and does not meet current code requirements; and

WHEREAS, Fire Pros, Inc. submitted the lowest bid to replace the fire alarm system at the Grace A. Dow Memorial Library; and

WHEREAS, funds from the library's trust account at the Mideastern Michigan Library Cooperative, together with the associated expense, will be included in the 2017-2018 amended city budget that will be presented to Council in April to fund the purchase; now therefore

RESOLVED, that a purchase order be authorized for the replacement of the fire alarm system at the Grace A. Dow Memorial Library in an amount not to exceed \$58,559.00 to Fire Pros, Inc.; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders in an aggregate amount not to exceed \$5,856.00 in total.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all of the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

19. * Approving purchase order increase for Environmental Monitoring at the Landfill. SOVA

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Landfill – Purchase Order Increase For Environmental Monitoring

INITIATED BY: Utilities Department

RESOLUTION

SUMMARY: This resolution authorizes an increase of \$11,000.00 to an existing professional services purchase order in the amount of \$20,000.00 to TriMedia Environmental & Engineering Services of Marquette, bringing the total combined purchase order to \$31,000.00, for compliance work performed outside of the normal scope of routine environmental monitoring and reporting work, in accord with Sec. 2-19 of the Code of Ordinances for the City of Midland.

ITEMS ATTACHED:

1. Letter of transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joseph Sova
City of Midland Utilities Department



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The operation and environmental monitoring of the City of Midland Sanitary Landfill is regulated by the Michigan Department of Environmental Quality-Office of Waste Management and Radiological Protection (MDEQ). The majority of testing consists of groundwater and gas samples drawn from the monitoring wells located throughout the Landfill property to detect potential contaminants leaching or migrating from the site.

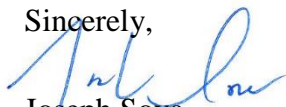
TriMedia Environmental & Engineering Services (TriMedia) of Marquette has performed quarterly testing and reporting to MDEQ for the City over the past ten years. Quarterly services are generally near the administrative limit of \$20,000.00 for the year. In addition to routine quarterly monitoring, this year, TriMedia also assisted with resolution of two compliance issues outside the normal scope of work.

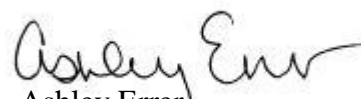
The first compliance issue involved detection of landfill gas at informational monitoring points. While not a violation, these early detections are an indicator of possible migration of landfill gas. Research, sampling, and analysis were performed to demonstrate adequacy of the gas collection system. The second compliance issue was storm water impacted by the June 2017 flood. Storm water in the impacted area had to be diverted to the wastewater treatment plant until lab analysis demonstrated acceptable water quality.

TriMedia performed sampling and analysis during several visits until MDEQ authorized a return to normal storm water discharge to the storm drain. For roughly six months the water was diverted for treatment. The compliance support activities outside the original scope of work resulted in an increase in testing and reporting expenses beyond the administratively approved \$20,000.00 purchase order. Funding for environmental monitoring activities is available for this purpose in the 2017/18 Landfill Enterprise Fund operating budget.

The attached resolution authorizes an increase of \$11,000.00 to an existing purchase order for professional services to TriMedia, bringing the total amount to \$31,000.00, in accord with Sec. 2-19 of the Code of Ordinances for the City of Midland. A 3/5 vote is required to approve.

Sincerely,


Joseph Sovia
Utilities Director


Ashley Errer
Senior Procurement Accountant



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, the operation and environmental monitoring of the City of Midland Sanitary Landfill is regulated by the Michigan Department of Environmental Quality-Office of Waste Management and Radiological Protection (MDEQ), with the majority of testing performed to detect potential contaminants leaching or migrating from the site; and

WHEREAS, TriMedia Environmental & Engineering Services (TriMedia) of Marquette has performed quarterly testing and reporting to MDEQ for the City over the past ten years and the annual costs is generally near the administrative limit of \$20,000.00; and

WHEREAS, in addition to routine quarterly monitoring this year, TriMedia also assisted with resolution of two compliance issues outside the normal scope of work, resulting in an increase in testing and reporting expenses beyond the administratively approved \$20,000.00 purchase order; and

WHEREAS, staff recommends that authorization be given to increase the existing purchase order for professional services to TriMedia by \$11,000.00, bringing the total amount to \$31,000.00 for the year; and

WHEREAS, funding is available for this purpose in the 2017/18 Landfill Enterprise Fund operating budget; now therefore

RESOLVED, that an increase of \$11,000.00 to an existing purchase order for professional services to TriMedia Environmental & Engineering Services is hereby authorized, bringing the total amount to \$31,000.00, in accord with Sec. 2-19 of the Code of Ordinances for the City of Midland.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

20. * Approving bid award for Wastewater Automatic Centerflow Fine Screen with Washer/Compactor, Bid No. 3922. SOVA

SUMMARY REPORT TO MANAGER
For City Council Meeting of March 26, 2018

SUBJECT: Wastewater – Automatic Centerflow Fine Screen and Washer/Compactor,
Bid No. 3922

INITIATED BY: Utilities Department

**RESOLUTION
SUMMARY:**

This resolution accepts the low compliant bid in the amount of \$226,500.00 from Hydro-Dyne Engineering of Clearwater, Florida for the purchase of one automatic center flow bar screen and washer compactor, in accord with Sec. 2-18 of the Code of Ordinances and further authorizes the City Manager to approve changes to the purchase order in an aggregate amount not to exceed \$10,000.00.

ITEMS ATTACHED:

1. Letter of transmittal
2. Attached diagram/picture
3. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution.

Joseph Sova
City of Midland Utilities Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The City's sanitary sewer collects wastewater from residential, commercial, and industrial facilities. When this flow enters the Wastewater Treatment Plant (WWTP) it initially flows to the grit and screenings building (headworks of the plant). The water is then pumped through the plant where it undergoes both primary and secondary treatment prior to being discharged to the Tittabawassee River.

Inside the grit and screenings building, the wastewater flows through two mechanical bar screens and wash presses to remove solid objects, trash, and inorganic material that enter the sewer collection system. This material would damage downstream treatment systems if not removed. The bar screens and wash presses currently in use are over 25 years old, have been previously remanufactured, and suffered damage due the excessively high flows to the plant during the June 2017 rain and flooding event. In evaluating whether to completely rehab the existing bar screens, staff determined that replacing them would be necessary to ensure continued successful and efficient operation of the WWTP.

To assist and advise with the design specifications, bid documents, and bar screen evaluations and selection, WWTP staff sought engineering assistance from Moore and Bruggink, Inc, of Grand Rapids.

Over the past eight months, staff and Moore and Bruggink thoroughly evaluated the needs of the WWTP, and in writing the specifications, considerations were made regarding operations and maintenance costs, proper fit in the WWTP facility footprint, and the ability to deliver high performance of inorganic solids removal during high flows. Specifications were written after staff visited multiple WWTP's in Michigan to evaluate different types of bar screens in service, as well as interviewing six bar screen manufacturers and inspecting their equipment while attending an industry technical exhibition and conference.

On January 23, 2018, four bids were received for Bid No. 3922, Automatic Centerflow Fine Screen and Washer/Compactor. Bids received were as follows:

Bidder	Lump Sum Price
JWC Environmental, Santa Ana, CA	\$159,800.00
Aqseptence Group, Inc, New Brighton, MN	\$163,225.00
Hydro-Dyne Engineering, Clearwater, FL	\$226,500.00
Enviro-Care Company, Gurnee IL	\$425,000.00

The low bids received by both JWC Environmental and Aqseptence Group were rejected for non-compliance for the following reasons:

1. JWC Environmental

- The JWC unit was not able to meet the bid specified capture rate of 80%. This is a major requirement for the proper bar screen selection, as it helps to protect valuable downstream equipment and processes.
- The second major deficiency involved headloss requirements. The equipment as specified in the bid, would result in WWTP influent flow levels being pushed above overflow weirs and would cause influent to overflow and bypass the very bar screen treatment that is to be accomplished.
- Several other smaller elements that did not meet bid specifications include, not supplying quick connect spare nozzles, high water consumption rate, and the control panel specified in the bid will not fit in the existing control room due to space constraints.

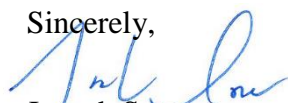
2. Aqseptence Group


- They did not visit the WWTP as was required in the bid.
- They did not submit the required information and bid bond paperwork as required by the City's Purchasing Department.
- They did not include drawings or specifications with the bid, which is to be used. This information was to be used to evaluate if the required bid specifications were met.

The third low bid was received from Hydro-Dyne Engineering of Clearwater, Florida in the amount of \$226,500.00 for one Great White Center Flow Screen and one Whitetip Shark Washing Compactor with controls and accessories meets City specifications (see attached picture). Hydro-Dyne is the manufacturer of the bar screens that are currently in service at the WWTP. Plant staff will be providing the installation of the bar screen unit. Funding has been budgeted for this purpose in the 2017/18 Wastewater Enterprise Fund - Capital Acquisitions Account.

Staff therefore requests that a purchase order in the amount of \$226,500.00 be made to Hydro-Dyne Engineering for the purchase of one bar screen unit, with the expectation that the second bar screen purchase will be requested in 2018/19 Fiscal Year at the same price. A 3/5 vote is required to approve.

Sincerely,


Joseph Sovia
Utilities Director


Ashley Errer
Senior Procurement Accountant



Great White Center Flow Screen



BY COUNCILMAN

WHEREAS, the City's sanitary sewer collects wastewater from residential, commercial, and industrial facilities, and ultimately flows to the Wastewater Treatment Plant (WWTP) grit and screenings building (headworks of the plant); and

WHEREAS, inside the grit and screenings building, the wastewater flows through two mechanical bar screens and wash presses to remove solid objects, trash, and inorganic material that enter the sewer collection system, which can damage downstream treatment systems if not removed; and

WHEREAS, the bar screens and wash presses currently in use are over 25 years old, have been previously remanufactured, and suffered damage due the excessively high flows to the plant during the June 2017 rain and flooding event, staff determined that replacing them would be necessary to ensure continued successful and efficient operation of the WWTP; and

WHEREAS, to assist and advise staff with the design specifications, bid documents, and bar screen evaluations and selection, engineering assistance was sought from Moore and Bruggink, Inc, of Grand Rapids; and

WHEREAS, on January 23, 2018, four bids were received for Bid No. 3922, Automatic Centerflow Fine Screen and Washer/Compactor, in accord with section 2-18 of the Midland Code of Ordinances; and

WHEREAS, the two lowest bids received were rejected for non-compliance with aspects that are critical to the effective evaluation and operation of the units; and

WHEREAS, the low compliant bid was received from Hydro-Dyne of Clearwater, Florida for one bar screen unit in the amount of \$226,500.00, with the installation being provided by WWTP staff; and

WHEREAS, funding has been budgeted for this purpose in the 2017/18 Wastewater Enterprise Fund - Capital Acquisitions Account; now therefore

RESOLVED, that the two lowest bids received from JWC Environmental and Aqseptance Group are rejected for non-compliance with City specifications, and the third low bid received from Hydro-Dyne for the purchase of one Great White Center Flow Screen and one Whitetip Shark Washing Compactor with controls and accessories, meets city specifications and is hereby accepted in the best interest of the City, and authorization is granted for the issuance of a purchase order in an amount not to exceed \$226,500.00.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2017.

Selina Tisdale, City Clerk

Backup material for agenda item:

21. * Approving bid award for Wastewater Portable 6-inch Trash Pump, Bid No. 3935. SOVA

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Wastewater – Portable 6-Inch Trash Pump, Bid No. 3935

INITIATED BY: Utilities Department

RESOLUTION

SUMMARY: This resolution accepts the low bid submitted by Mersino Dewatering, Inc. of Davison, Michigan for one 6-inch portable trash pump, to be used primarily for bypassing sanitary sewer during maintenance and repairs or throughout high flow events, and authorizes a purchase order in the amount of \$31,950.00, in accord with Sec. 2-18 of the Code of Ordinances for the City of Midland.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joseph Sova
City of Midland Utilities Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

Wastewater staff frequently needs to bypass sections of sanitary sewer to allow maintenance and repair work to be performed, as well as during high flows throughout weather events. This is done by pumping sewerage flowing into one manhole and discharging it into another manhole. These procedures are performed with the use of two pumps; 1) a 1984 6-inch Ford trash pump, and 2) a 2004 6-inch Thompson trash pump.

As reliability in the 1984 Ford pump is becoming more of a concern, a replacement has been scheduled. On February 27, 2018 bids were opened for a Portable 6-Inch Trash Pump, Bid No. 3935. Bids received were as follows:

Bidder	Location	Lump Sum
Mersino Dewatering, Inc.	Davison, MI	\$31,950.00
Xylem Dewatering Solutions	Livonia, MI	\$33,402.00
Wolverine Power Systems	Zeeland, MI	\$36,740.00
Core and Main	Shelby Township, MI	\$38,552.64
Technology International	Lake Mary, FL	\$43,616.00

The low bid submitted by Mersino DeWatering of Clarkston in the amount of \$31,950.00 meets City specifications. Funding for this purchase has been provided in the 2017/2018 Wastewater Capital Equipment Budget.

It is therefore recommended that the low bid of \$31,950.00 for the purchase of one 6-inch trash pump be accepted and a purchase order be issued in that amount to Mersino Dewatering, Inc. A 3/5 vote is required to approve.

Sincerely,

Joseph Sovia
Utilities Director

Ashley Errer
Senior Procurement Accountant



Utilities Department • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • (989) 837-3341 • CitizenCommentsWater@midland-mi.org

BY COUNCILMAN

WHEREAS, there is frequently a need by Wastewater staff to bypass sections of sanitary sewer to allow maintenance and repair work to be performed, as well as during high flows throughout weather events; and

WHEREAS, bypass procedures have been performed with the use of two trash pumps, one of which is a 6-inch Ford pump that was manufactured in 1984, and as reliability of this pump is becoming more of a concern, a replacement was scheduled; and

WHEREAS, sealed bids for a Portable Trash Pump, Bid No. 3935, have been advertised and received in accord with section 2-18 of the Midland Code of Ordinances; and

WHEREAS, the low bid submitted by Mersino Dewatering, Inc. of Davison, Michigan in the amount of \$31,950.00 meets City specifications; and

WHEREAS, funding for this purchase is provided in the 2017/2018 Wastewater Capital Equipment budget; now therefore

RESOLVED, that the low bid proposal submitted by Mersino Dewatering, Inc. of Davison, Michigan, in the amount of \$31,950.00, is hereby accepted and a purchase order in that amount is authorized.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk

Backup material for agenda item:

22. * Authorizing the Mayor and City Clerk to execute a contract with Malley Construction, Inc. for the water main installation along Cambridge Street from Washington Street to 900 feet west of Washington Street. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: 2018 Cambridge Street Water Main; Contract No. 09

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the Mayor and City Clerk to execute a contract with Malley Construction, Inc. in the amount of \$107,925.00 for the water main installation along Cambridge Street from Washington Street to 900 feet west of Washington Street. This resolution also authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$20,000.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, March 20, 2018 at 2:00 p.m., sealed proposals were publicly opened and read by the Senior Procurement Accountant for the "2018 Cambridge Street Water Main; Contract No. 09".

Bids were received as follows:

*Engineer's Estimate		\$103,000.00
Malley Construction, Inc.	Mt. Pleasant	\$107,925.00
Sterling Excavating, Inc.	West Branch	\$114,672.00
Rohde Brothers Excavating, Inc.	Saginaw	\$122,390.00
Sova Excavating and Trucking, Inc.	Midland	\$128,887.50
American Excavating	Saginaw	\$140,740.00
Crawford Contracting, Inc.	Mt. Pleasant	\$142,635.00
Tri-City Groundbreakers, Inc.	Midland	\$149,960.00
McGuirk Sand-Gravel, Inc.	Mt. Pleasant	\$150,742.00

Funding for the 2018 Cambridge Street Water Main project is provided by the Water Fund. This contract is for the water main replacement along Cambridge Street from Washington Street to 900 feet west of Washington Street. The aforementioned project was recommended by the Utilities Department, Engineering Department, and approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$107,925.00, submitted by Malley Construction, Inc. of Mt. Pleasant, MI, be accepted in the best interest of the City of Midland.

Respectfully submitted,

Joshua N. Fredrickson
City Engineer

Ashley Errer
Senior Procurement Accountant



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BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main replacement along Cambridge Street from Washington Street to 900 feet west of Washington Street; and

WHEREAS, funding for this project is provided by the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Malley Construction, Inc. of Mt. Pleasant, Michigan for the "2018 Cambridge Street Water Main; Contract No. 09", in the amount of \$107,925.00 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.

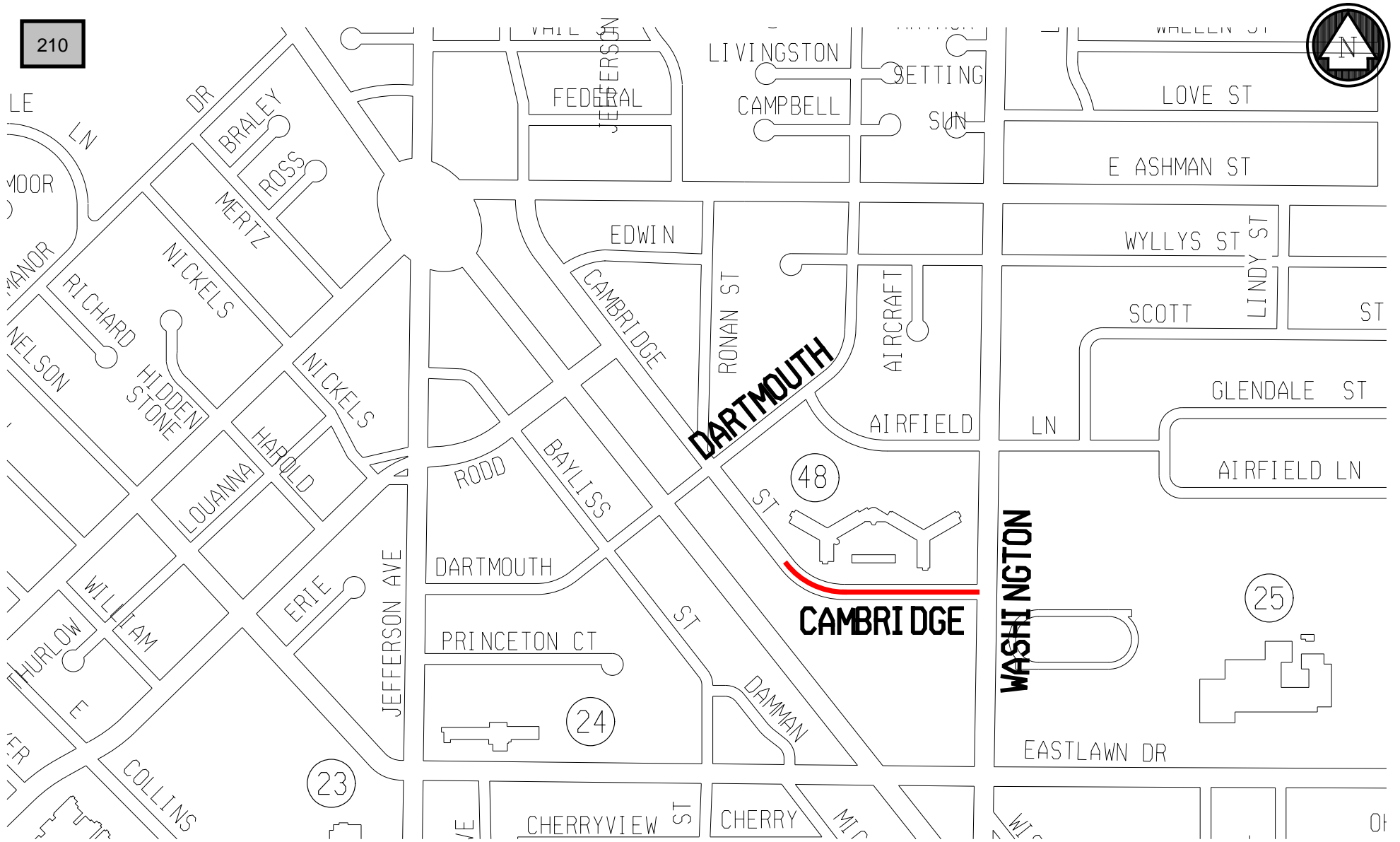
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



CAMBRIDGE ST. WATER REPAIR

WASHINGTON TO 900' WEST

Backup material for agenda item:

23. * Authorizing the Mayor and City Clerk to execute a contract with Crawford Contracting, Inc. for the reconstruction of Eastlawn Drive from Washington Street to Swede Avenue. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: 2018 Eastlawn Drive Reconstruction; Contract No. 02

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the Mayor and City Clerk to execute a contract with Crawford Contracting, Inc., in the amount of \$304,153.00 for the reconstruction of Eastlawn Drive from Washington Street to Swede Avenue. This resolution also authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$25,000.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, March 6, 2018 at 2:00 p.m., sealed proposals were publicly opened and read by the Senior Procurement Accountant for the "2018 Eastlawn Drive Reconstruction; Contract No. 02".

Bids were received as follows:

Crawford Contracting, Inc.	Mt. Pleasant	\$304,153.00
Shaw Contracting Co.	Bay City	\$309,524.75
Sova Excavating & Trucking, Inc.	Midland	\$309,551.01
Geiersbach Construction, Inc.	Freeland	\$311,632.00
Pyramid Paving & Contracting Co.	Bay City	\$314,035.75
Pat's Gradall Service Inc.	Midland	\$314,530.00
Ace-Saginaw Paving Co.	Saginaw	\$330,983.00
Malley Construction, Inc.	Mt. Pleasant	\$340,199.61
*Engineer's Estimate		\$344,000.00
Tri-City Groundbreakers, Inc.	Midland	\$344,664.75
Rohde Brothers Excavating Inc.	Saginaw	\$348,315.00

Funding for the 2018 Eastlawn Drive Reconstruction is provided by the Street Fund. This contract is for the street reconstruction of Eastlawn Drive from Washington Street to Swede Avenue. The aforementioned project was recommended by the Engineering Department, Department of Public Services, and was approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$304,153.00, submitted by Crawford Contracting, Inc. of Mt. Pleasant, MI, be accepted in the best interest of the City of Midland.

Respectfully submitted,

Joshua N. Fredrickson
City Engineer

Ashley Errer
Senior Procurement Accountant



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction on Eastlawn Drive from Washington Street to Swede Avenue; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Crawford Contracting, Inc. of Mt. Pleasant, Michigan for the "2018 Eastlawn Drive Reconstruction; Contract No. 02", in the amount of \$304,153.00 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$25,000.

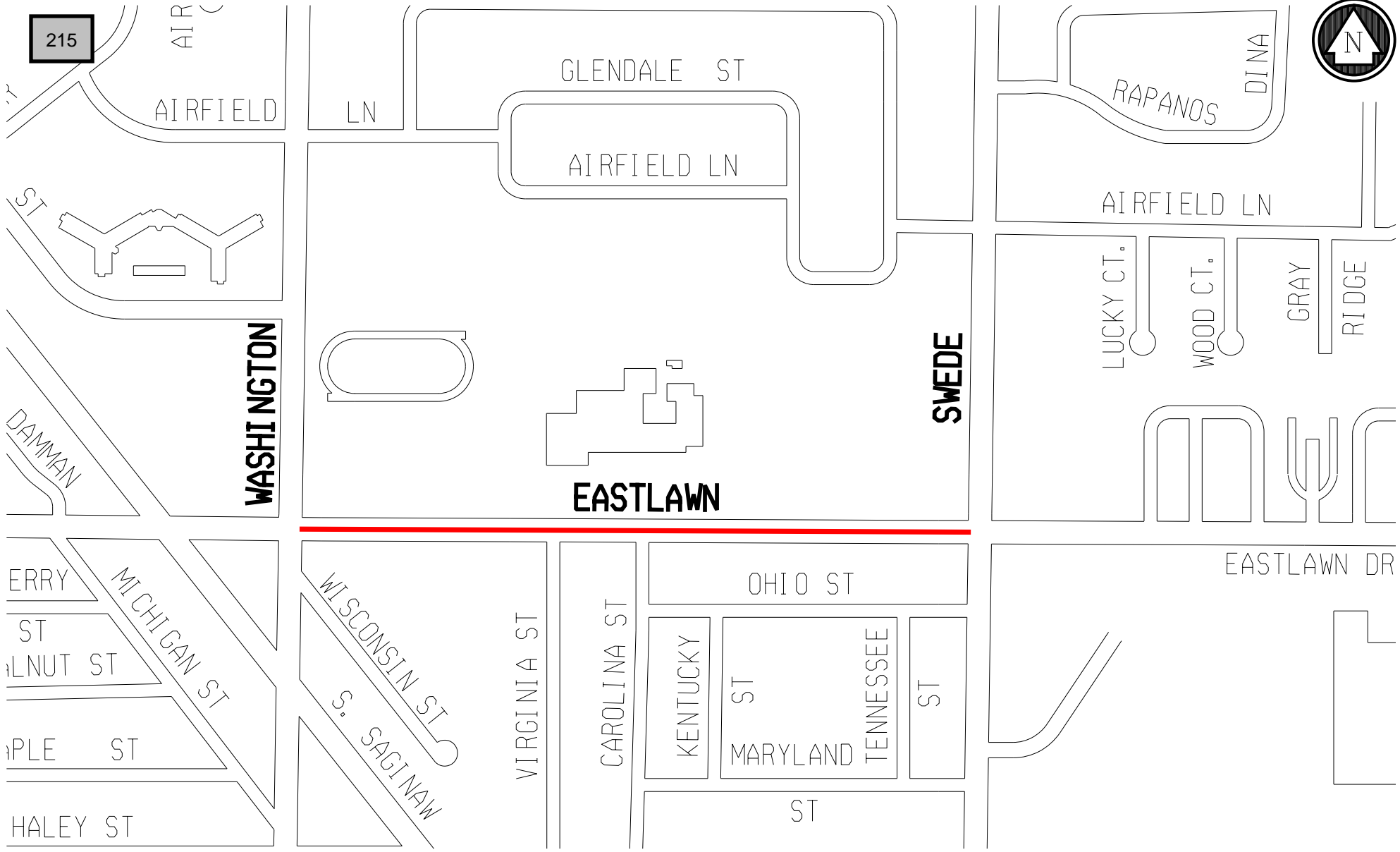
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



EASTLAWN RECONSTRUCTION

WASHINGTON TO SWEDE

Backup material for agenda item:

24. * Approving Change Order - Nelson Street Reconstruction & Water Main;
Contract No. 14 to complete the project. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Change Order – Nelson Street Reconstruction & Water Main;
Contract No. 14

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes additional expenditures for a change order in the amount of \$28,000.00 to the “2017 Nelson Street Reconstruction & Water Main; Contract No. 14” to McGuirk Sand & Gravel, Inc. of Mt. Pleasant, Michigan in order to complete the project.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua N. Fredrickson
Engineering Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

The “2017 Nelson Street Reconstruction & Water Main; Contract No. 14” project has been completed, including new sidewalk, removal of existing road surfacing and placement of new pavement, replacement of water main and new concrete curb and gutter. The contract for the construction of this project was awarded to McGuirk Sand & Gravel, Inc. of Mt. Pleasant, Michigan at the regular meeting of the City Council on July 24, 2017. This change order addresses items that were included in the construction project to ensure a suitable final product. Funding for the construction project is provided by the Major Street Fund.

The Engineering Department has worked with McGuirk Sand & Gravel, Inc. to submit a change order of actual changes to be covered. Major components of the additional work performed include additional curb, pavement patching for traffic control, hand excavation around utilities and additional sidewalk.

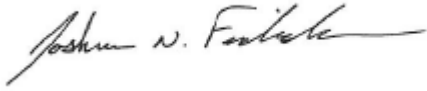
This change order includes work which is additional to the contract based on conditions found in the field. During the construction process it was determined to have the contractor perform this work due to their availability of equipment on site.

In order to achieve the final finished product desired it was determined to have the contractor perform additional work based on site conditions found. Additional curb work was added to the project to produce a better quality finished product by addressing grade issues that were found once the project began. During reconstruction, several items were located that had not been previously identified. This included a large utility duct bank where hand excavation was required in order to prevent damage. Additional trees were also removed upon identifying roots that were damaged during the curb removal process. A temporary patch on Ashman Street was also required in order to allow traffic to safely move through the construction zone.

The total changes amount to \$28,000.00. Funding for the payment of the change order is available in the Major Street Fund project MS1801.

The attached resolution authorizes a change order to the 2017 Nelson Street Reconstruction & Water Main in an aggregate amount of \$28,000.00 to McGuirk Sand & Gravel, Inc. of Mt. Pleasant, Michigan.

Sincerely,



Joshua N. Fredrickson
City Engineer



Ashley Errer
Senior Procurement Accountant



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BY COUNCILMAN

WHEREAS, City Council awarded a construction contract for the “2017 Nelson Street Reconstruction & Water Main; Contract No. 14” to McGuirk Sand & Gravel of Mt. Pleasant, Michigan, on July 24, 2017; and

WHEREAS, the City Engineer has prepared a report indicating the need to add additional expenditures to address the scope of work increase to complete the Contract; and

WHEREAS, McGuirk Sand & Gravel has completed the work necessary to complete the Contract; now therefore

RESOLVED, that the City Council hereby authorizes additional expenditures to the “2017 Nelson Street Reconstruction & Water Main; Contract No. 14” in an aggregate amount of \$28,000.00; and

RESOLVED FURTHER, that the City Manager is authorized to sign the appropriate change orders; and

RESOLVED FURTHER, that all other conditions of the resolution for Contract No. 14 dated July 24, 2017 apply.

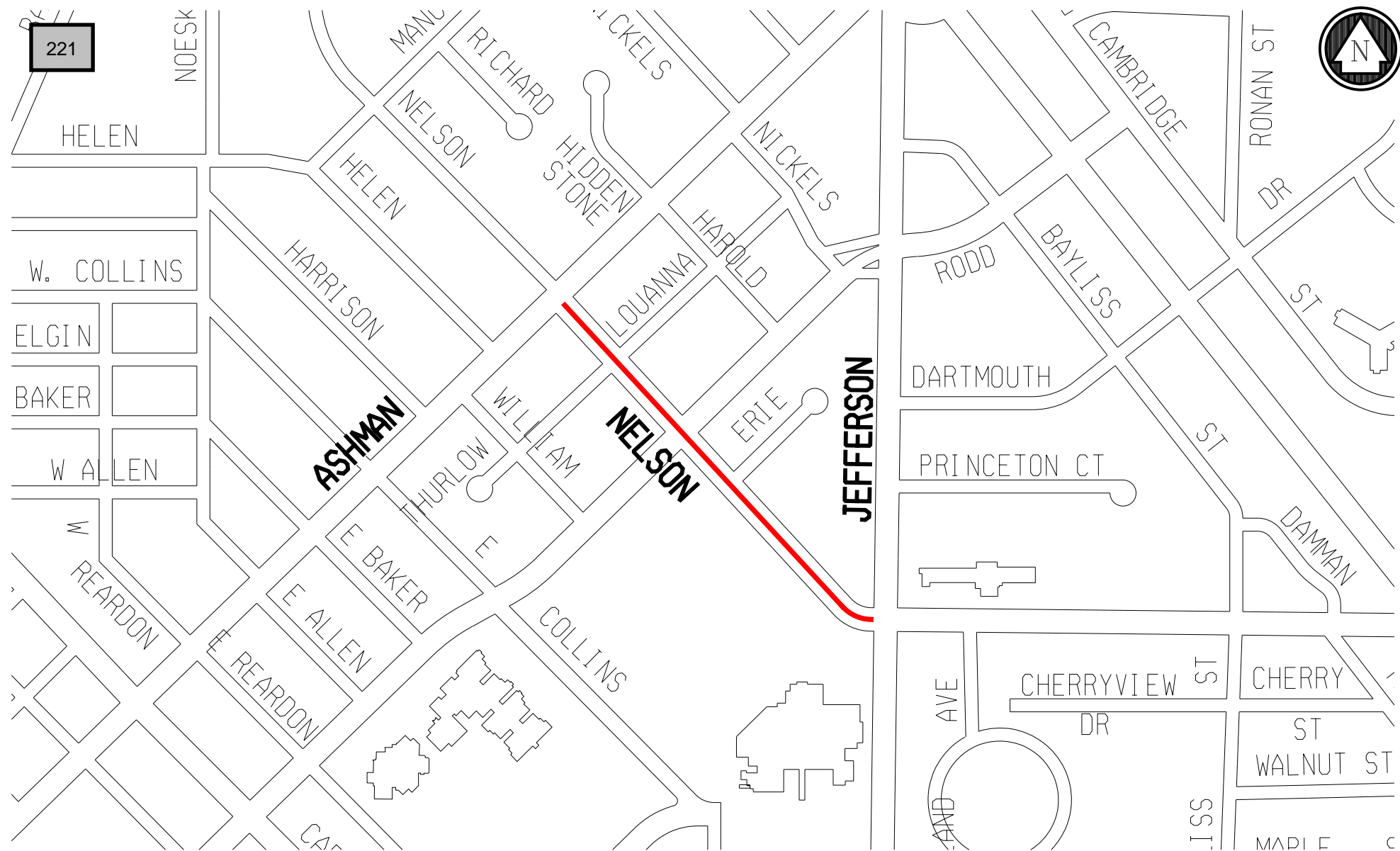
YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



NELSON RECONSTRUCTION

ASHMAN TO JEFFERSON

Backup material for agenda item:

25. * Authorizing the Mayor and City Clerk to execute a contract with Sterling Excavation, Inc. for the water main installation along W. Wackerly Road.
FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: 2018 W. Wackerly Water Main at Sturgeon Creek; Contract No. 07

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the Mayor and City Clerk to execute a contract with Sterling Excavation, Inc. in the amount of \$250,103.50 for the water main installation along W. Wackerly Road. This resolution also authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$25,000.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, February 13, 2018 at 2:00 p.m., sealed proposals were publicly opened and read by the Senior Procurement Accountant for the "2018 W. Wackerly Water Main At Sturgeon Creek; Contract No. 07".

Bids were received as follows:

*Engineer's Estimate		\$237,000.00
Sterling Excavating, Inc.	West Branch	\$250,103.50
Pat's Gradall Service, Inc.	Midland	\$268,647.00
Super Construction	Bay City	\$281,359.00
DVM Utilities, Inc.	Sterling Heights	\$282,077.00
Eric Construction, Inc.	St. Charles	\$291,361.00
Rohde Brothers Excavating, Inc.	Saginaw	\$303,310.00
The Isabella Corp.	Mt. Pleasant	\$336,744.00
Gustafson HDD, LLC	Pentwater	\$382,822.50

Funding for 2018 W. Wackerly Water Main at Sturgeon Creek is provided by the Water Fund. This contract is for the water main replacement along W. Wackerly Road from Sturgeon Avenue to Sturgeon Creek Parkway. The aforementioned project was recommended by the Utilities Department, Engineering Department, and approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$250,103.50 submitted by Sterling Excavating, Inc. of West Branch, MI be accepted in the best interest of the City of Midland.

Respectfully submitted,

Joshua N. Fredrickson
City Engineer

Ashley Errer
Senior Procurement Accountant



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main replacement along W. Wackerly Road from Sturgeon Avenue to Sturgeon Creek Parkway; and

WHEREAS, funding for this project is provided by the Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Sterling Excavation, Inc. of West Branch, Michigan for the "2018 W. Wackerly Water Main at Sturgeon Creek; Contract No. 07", in the amount of \$250,103.50 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$25,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



WACKERLY STREET WATER

STURGEON CRK PKWY TO STURGEON

Backup material for agenda item:

26. * Authorizing the Mayor and City Clerk to execute a contract with Sterling Excavation, Inc. for water main replacement on Waldo Ave. from E. Ashman Street to Wheeler Road and street reconstruction on Waldo Ave. from E. Ashman Street to Whitewood Drive. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: 2018 Waldo Avenue Reconstruction & Water Main; Contract No. 06

INITIATED BY: City of Midland Engineering Department

RESOLUTION

SUMMARY: This resolution authorizes the Mayor and City Clerk to execute a contract with Sterling Excavation, Inc., in the amount of \$1,206,509.15 for water main replacement on Waldo Avenue from E. Ashman Street to Wheeler Road and street reconstruction on Waldo Avenue from E. Ashman Street to Whitewood Drive. This resolution also authorizes the City Manager to approve change orders in an aggregate amount not to exceed \$50,000.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

On Tuesday, February 27, 2018 at 2:00 p.m., sealed proposals were publicly opened and read by the Senior Procurement Accountant for the "2018 Waldo Avenue Reconstruction and Water Main; Contract No. 06".

Bids were received as follows:

Sterling Excavation, Inc.	West Branch	\$1,206,509.15
Sova Excavating & Trucking, Inc.	Midland	\$1,263,099.75
Rohde Brothers Excavating, Inc.	Saginaw	\$1,321,253.00
Champagne & Marx Excavating, Inc.	Saginaw	\$1,346,797.20
Malley Construction, Inc.	Mt. Pleasant	\$1,453,983.91
American Excavating LTD	Saginaw	\$1,568,271.05
Crawford Contracting, Inc.	Mt. Pleasant	\$1,632,313.25
*Engineer's Estimate		\$1,941,000.00

Funding for the 2018 Waldo Avenue Reconstruction and Water Main is provided by the Major Street Fund and the Water Fund. This contract is for the water main replacement on Waldo Avenue from E. Ashman Street to Wheeler Road and street reconstruction on Waldo Avenue from E. Ashman Street to Whitewood Drive. The aforementioned project was recommended by the Engineering Department, Department of Public Services, and the Utilities Department, and approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$1,206,509.15, submitted by Sterling Excavation, Inc. of West Branch, MI, be accepted in the best interest of the City of Midland.

Respectfully submitted,

Joshua N. Fredrickson
City Engineer

Ashley Errer
Senior Procurement Accountant



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main replacement on Waldo Avenue From E. Ashman Street to Wheeler Road and street reconstruction on Waldo Avenue from E. Ashman Street to Whitewood Drive; and

WHEREAS, funding for this project is provided by the Major Street Fund and Water Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Sterling Excavation, Inc. of West Branch, Michigan for the "2018 Waldo Avenue Reconstruction and Water Main; Contract No. 06", in the amount of \$1,206,509.15 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$50,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



TROTTER'S
POINTE CIR

ASHMAN

SANITARY LANDFILL

WALDO RECONSTRUCTION

ASHMAN TO WHITEWOOD (WATER TO WHEELER)

Backup material for agenda item:

27. * Receive and file a report from City Engineering regarding a request for traffic signals on Waldo Road at the intersections of Diamond Drive at Waldo and at Wheeler at Waldo. FREDRICKSON

SUMMARY REPORT TO MANAGER
for City Council Meeting of March 26, 2018

SUBJECT: Waldo Road Intersection Signals

INITIATED BY: Public Comment at City Council Meeting February 26, 2018

RESOLUTION

SUMMARY: This resolution receives and files a report from the City Engineer regarding a request for traffic signals on Waldo Road at the intersections of Diamond Drive at Waldo and at Wheeler at Waldo.

ITEMS ATTACHED:

1. Letter of Transmittal
2. Resolution
3. Location Map

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Joshua Fredrickson
Engineering Department



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March 21, 2018

C. Bradley Kaye, AICP CFM
City Manager
City of Midland
Midland, Michigan

Dear Mr. Kaye:

During public comment at the City Council meeting held on February 26, 2018, Dave Rapanos expressed concern regarding traffic along Waldo Road and requested placement of a traffic signal at the intersection of Diamond Drive at Waldo Road and at the intersection of Wheeler Road at Waldo Road. This is to provide City Council a report regarding traffic signals at the previously mentioned intersections along Waldo Road.

Accepted traffic engineering practice is to consider the installation of traffic signals when specific warrants, or criteria, are met. Warrants for new traffic signal installations at intersections are described in the Michigan Manual of Uniform Traffic Control Devices. Typical warrants for the installation of a new traffic signal are related to traffic volume and crash experience.

Traffic volume information for both Diamond Drive and Waldo Road are obtained and reviewed annually through our traffic counting program. Vehicular crash reports and associated data are also reviewed for crash types that could be corrected by the installation of a traffic signal. To date, standard traffic signal warrants have not been met for this portion of the Waldo Road corridor.

The Engineering Department continues to collect and monitor traffic volumes and crash reports through the Waldo Road corridor. This information will continue to be reviewed for volume and pattern changes that warrant additional traffic control devices.

A resolution is attached for your consideration to receive and file this report.

Sincerely,

Joshua N. Fredrickson
City Engineer



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.cityofmidlandmi.gov

BY COUNCILMAN

WHEREAS, the City Engineer reported on the request for traffic signals at the intersections of Waldo Road and Diamond Drive and Waldo Road and Wheeler Road; now therefore

RESOLVED, that City Council hereby receives and files this report.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, March 26, 2018.

Selina Tisdale, City Clerk



WACKERLY RD

BRIAN

RUMBAUGH LN

CHERYL-LYNNE LN

KELLY LN

DI AMOND

WALDO

WHEELER

WALDO AVENUE
WHEELER TO DIAMOND